

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 6/29/2018 1:15:05 PM  
**To:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** FW: For Approval - ALEC 45th Gala  
**Attachments:** Adminstrator Pruitt.pdf; 2018 ALEC 45th Brochure V8 (2).pdf

Ex. 5 - Deliberative Process

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**From:** Kundinger, Kelly  
**Sent:** Friday, June 29, 2018 12:16 AM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** For Approval - ALEC 45th Gala

Jennie –

The Administrator has been invited to serve as an honorary chair for the 45<sup>th</sup> ALEC Gala. I have attached the formal invitation and additional information on this event.

Would you mind letting me know if the Administrator can accept this role from an ethical perspective?

Thank you,

Kelly Kundinger  
Deputy Director of Scheduling and Advance  
[Kundinger.Kelly@epa.gov](mailto:Kundinger.Kelly@epa.gov)  
202-568-9879



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Exchange  
Council  
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ALEC 45<sup>th</sup>  
Anniversary  
*Gala*

**Wednesday**  
**September 26, 2018**

**Trump International Hotel**  
1100 Pennsylvania Avenue, NW  
Washington, D.C. 20004

**BOARD MEMBERS**

Representative Jason Saine, National Chair,  
North Carolina

Senate President Wayne Niederhauser,  
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Senator Andre E. Cushing III,  
Maine

Representative Alan Clemmons,  
South Carolina

Senator Jim Buck,  
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California

Delegate Kathy Byron,  
Virginia

Senator Gary Daniels,  
New Hampshire

Senator Brian Kelsey,  
Tennessee

Representative Phil King,  
Texas

Representative Dawn Pettengill,  
Iowa

Representative John Piscopo,  
Connecticut

Representative David Reis,  
Illinois

Representative Ron Simmons,  
Texas

Representative Bill Seitz,  
Ohio

Senator Jim Smith,  
Nebraska

Senate President Susan Wagle,  
Kansas

Speaker Linda Upmeyer,  
Iowa

Senator Leah Vukmir,  
Wisconsin

**THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL**  
**45<sup>TH</sup> ANNIVERSARY GALA FACT SHEET**

**HONORARY  
CHAIRS**

The Honorable George Allen and Susan Allen  
The Honorable John D. Ashcroft  
The Honorable Tom Davis and Mrs. Jeannemarie Devolites Davis  
Carly Fiorina  
The Honorable Newt Gingrich  
Dr. Art Laffer  
The Honorable Rick Perry  
The Honorable Pete Ricketts  
The Honorable Cathy McMorris Rodgers  
The Honorable Thom Tillis

**GALA CHAIRS**

Meredith Atwell Baker, CTIA  
Ken Cole, Pfizer Inc.  
Juanita Duggan, National Federation of Independent Business  
Michael D. Gallagher, Entertainment Software Association  
Richard S. Holson III, Guarantee Trust Life  
Laura Lane, United Parcel Service  
Joanna McIntosh, NCTA – The Internet & Television Association

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Adam Falk, Charter Communications  
Ken Freeman, Exxon Mobil Corporation  
John Fund  
Marva Johnson, Charter Communications  
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Bernie Marcus  
Garland McCoy, Technology Education Institute  
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Steve Moore  
Michael Morgan, Koch Companies Public Sector  
Grover Norquist, Americans for Tax Reform  
Alfredo Ortiz, Job Creators Network  
Chip Rogers, Asian American Hotel Owners Association  
Matt Schlapp, American Conservative Union  
Dan Smith, Altria  
Bridgett Wagner, The Heritage Foundation



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## ALEC ALUMNI IN OFFICE

### EXECUTIVE BRANCH

Ambassador Terry Branstad Administrator Scott Pruitt  
Ambassador Nikki Haley

### GOVERNORS

Gov. Kristi Noem – SD  
Gov. Jeff Colyer – KS  
Gov. John Bel Edwards – LA  
Gov. John Kasich – OH  
Gov. Scott Walker – WI  
Gov. Mary Fallin – OK

### U.S. HOUSE OF REPRESENTATIVES

Rep. Justin Amash (R-MI)  
Rep. Jim Banks (R-IN)  
Rep. Jaime Herrera Beutler (R-WA)  
Rep. Andy Biggs (R-AZ)  
Rep. Diane Black (R-TN)  
Rep. Marsha Blackburn (R-TN)  
Rep. Kevin Brady (R-TX)  
Rep. Tom Cole (R-OK)  
Rep. Doug Collins (R-GA)  
Rep. James Comer (R-KY)  
Rep. Barbara Comstock (R-VA)  
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Rep. Charlie Dent (R-PA)  
Rep. Mario Diaz-Balart (R-FL)  
Rep. Jeff Duncan (R-SC)  
Rep. John Faso (R-NY)  
Rep. Rodney Frelinghuysen (R-NJ)  
Rep. Bob Gibbs (R-OH)  
Rep. Sam Graves (R-MO)  
Rep. Tom Graves (R-GA)  
Rep. Morgan Griffith (R-VA)  
Rep. Glenn Grothman (R-WI)  
Rep. Brett Guthrie (R-KY)  
Rep. Andy Harris (R-MD)  
Rep. Vicky Hartzler (R-MO)  
Rep. Bill Huizenga (R-MI)  
Rep. Lynn Jenkins (R-KS)  
Rep. Sam Johnson (R-TX)  
Rep. Walter Jones (R-NC)  
Rep. Steve King (R-IA)  
Rep. Steve Knight (R-CA)  
Rep. Raul Labrador (R-ID)  
Rep. Doug Lamborn (R-CO)  
Rep. Al Lawson (D-FL)  
Rep. Robert Latta (R-OH)  
Rep. Debbie Lesko (R-AZ)  
Rep. Frank LoBundo (R-NJ)  
Rep. Barry Loudermilk (R-GA)  
Rep. Frank Lucas (R-OK)  
Rep. Blaine Luetkemeyer (R-MO)  
Rep. Ken Marchant (R-TX)  
Rep. Tom McClintock (R-CA)  
Rep. Cathy McMorris-Rodgers (R-WA)  
Rep. John Moolenaar (R-MI)  
Rep. Alex Mooney (R-WV)  
Rep. Kristi Noem (R-SD)  
Rep. Tom O'Halleran (D-AZ)  
Rep. Steven Palazzo (R-MS)  
Rep. Erik Paulsen (R-MN)  
Rep. Rep. Bill Posey (R-IN)  
Rep. Rep. [REDACTED] (R-VA)

### U.S. SENATE

Sen. Michael Enzi (R-WY)  
Sen. Joni Ernst (R-IA)  
Sen. Cory Gardner (R-CO)  
Sen. Lindsey Graham (R-SC)  
Sen. James Inhofe (R-OK)  
Sen. Joe Manchin (D-WV)  
Sen. Jerry Moran (R-KS)  
Sen. Jim Risch (R-ID)  
Sen. Marco Rubio (R-FL)  
Sen. Tim Scott (R-SC)  
Sen. Richard Shelby (R-AL)  
Sen. Thom Tillis (R-NC)  
Sen. Roger Wicker (R-MS)



# ALEC 45<sup>th</sup> Anniversary *Gala*

## For Sponsorship

Please contact **Mariana Norkat**  
Mariana@nork-apexstrategic.com

### EVENT SPONSORS *as of June 13, 2018*

American Bail Coalition  
American Conservative Union  
Altria  
Anonymous (1)  
Asian American Hotel Owners Association  
Celgene  
Charter Communications  
CTIA  
eBay Inc.  
EdChoice  
Guarantee Trust Life  
Koch Companies Public Sector  
Job Creators Network  
K12 Inc.  
National Federation of Independent Business  
NCTA – The Internet & Television Association  
Pelopidas  
Pfizer Inc.  
PhRMA  
The Heritage Foundation  
State Policy Network  
U.S. Chamber of Commerce  
United Parcel Service

## ABOUT THE AMERICAN LEGISLATIVE EXCHANGE COUNCIL

The American Legislative Exchange Council (ALEC) is America's largest voluntary membership organization of state legislators dedicated to the principles of limited government, free markets and federalism. Comprised of nearly one-quarter of the country's state legislators and stakeholders from across the policy spectrum, ALEC members represent more than 60 million Americans and provide jobs to more than 30 million people in the United States. For generations, ALEC has been where legislators go to better understand how and what to legislate, and where they gain the intellectual and policy bona fides to be good stewards of people's hard earned dollars. ALEC believes that all Americans deserve an efficient, effective and accountable government that puts the people in control.

## EVENT PURPOSE

45 years ago a small group of state legislators met in Chicago to implement a vision: A nonpartisan membership association for state lawmakers who shared a common belief in limited government, free markets and federalism. Their vision and initiative resulted in the creation of a voluntary membership association for people who believed that government closest to the people was fundamentally more effective. At that meeting state legislators, including then-Illinois State Rep. Henry Hyde and Iowa State Rep. Terry Brandstad, and Lou Barnett, a veteran of then-Gov. Ronald Reagan's 1968 presidential campaign, launched the American Legislative Exchange Council (ALEC). The creation of ALEC Task Forces was a result of President Ronald Reagan's vision to restore the balance of power away from Washington, returning power to the states.

2018 is ALEC's 45<sup>th</sup> anniversary year, a year in which to celebrate ALEC's leadership with a history of offering real solutions to the top issues facing the states. ALEC's effectiveness has demonstrated for decades that good ideas are better when shared! We will come together at a spectacular celebration at the ALEC 45<sup>th</sup> Anniversary Gala on Wednesday, September 26, 2018 at the Trump International Hotel in Washington, D.C. Attendees will include members of the Administration, Members of Congress, state legislators, policy experts, and philanthropic and esteemed business leaders.

## SPONSORSHIPS

ALEC 45<sup>th</sup> Anniversary Gala sponsorships range from **\$5,000 to \$100,000** For sponsorship information, please contact Mariana Nork at Mariana@nork-apexstrategic.com.

**45<sup>th</sup>**  
ANNIVERSARY

# ALEC 45<sup>th</sup> Anniversary Gala Sponsor Levels

## \$100,000 – Thomas Jefferson Sponsor ONLY TWO AVAILABLE

### BENEFITS OF SPONSORSHIP

- Customized recognition as the Thomas Jefferson Sponsor in all printed materials, including the invitation and the printed program\*\*
- Three premium-placed tables of 10 (30 seats total)
- First choice of three VIPs (one for each of your three tables)\*
- Opportunity to have a principal speaking role in the program at the main event
- Exclusive placement of logo in the sponsor video presentation at the event
- 20 invitations to the VIP Reception
- Special recognition and link on the ALEC website
- Two seats on the event Host Committee
- Two tickets to the Executive Branch and the U.S. Capitol Briefings

## \$50,000 – Presenting Sponsor

### BENEFITS OF SPONSORSHIP

- Customized recognition as the sole Reception Sponsor in all printed materials, including the invitation and the printed program\*\*
- Two premium-placed tables of 10 (20 seats total)
- Opportunity to host your top choice of a VIP at your table\*
- Opportunity to make welcome remarks at the Reception
- Special recognition from the event emcee during the program
- Exclusive placement of logo in the sponsor video presentation at the event
- 20 invitations to the VIP Reception
- Special recognition and link on the ALEC website
- Logo and link on the event website
- Two seats on the event Host Committee
- Two tickets to the Executive Branch and the U.S. Capitol Briefings

## \$25,000 – Platinum Sponsor

### BENEFITS OF SPONSORSHIP

- Recognition as a Platinum Sponsor in all printed materials, including the invitation and the printed program\*\*
- Verbal recognition from the event stage
- Recognition in the sponsor loop played at the event
- One premier “inner circle” table of 10
- Opportunity to host a VIP at your table
- 10 invitations to the VIP Reception
- Logo and link on the event website
- One seat on the event Host Committee
- Two tickets to the Executive Branch and the U.S. Capitol Briefings

## \$15,000 – Gold Sponsor

### BENEFITS OF SPONSORSHIP

- A table of 10 in a choice location
- Four invitations to the VIP Reception
- Recognition as a Gold Sponsor in all printed materials, including the invitation and the printed program\*\*
- Recognition in the sponsor loop played at the event
- Recognition on the ALEC website and in the ALEC annual report
- One seat on the event Host Committee

## \$10,000 – Silver Sponsor

### BENEFITS OF SPONSORSHIP

- A table of 10 in a choice location
- Two invitations to the VIP Reception
- Recognition as a Silver Sponsor in all printed materials, including the invitation and the program\*\*
- Recognition on the ALEC website and in the ALEC annual report
- One seat on the event Host Committee

## \$5,000 – Copper Sponsor

### BENEFITS OF SPONSORSHIP

- Five prominently placed seats
- Recognition as a Copper Sponsor in the event invitation and program\*\*

*\*Based on confirmed VIP attendance within two weeks of the event.*

*\*\*Pending print and production deadlines.*

**ALEC**

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(As of 05/14/2018)



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# ALEC 45<sup>th</sup> Anniversary *Gala*

FOR MORE INFORMATION  
ABOUT SPONSORSHIP  
OPPORTUNITIES,  
PLEASE CONTACT:

**Ms. Mariana Nork**  
301.509.2057

Mariana@nork-apexstrategic.com

PLEASE RETURN YOUR  
COMPLETED PLEDGE FORM TO:

**Mrs. Marie Vulaj**  
Email: mvulaj@alec.org  
Fax: 703.373.0927

-OR-

MAIL THE FORM AND  
DONATIONS TO:

**ALEC**  
**Attn: Mrs. Marie Vulaj**  
2900 Crystal Drive, Suite 600  
Arlington, VA 22202

**Checks made payable to ALEC**  
**(Federal ID # 52-0140979)**

Non-deductible amount \$140  
per plate for dinner

[www.alec.org](http://www.alec.org)

## PLEDGE FORM

PLEASE LIST ME BY (CHECK ONE): ☐ NAME ☐ COMPANY ☐ ANONYMOUS

Sponsor name: \_\_\_\_\_  
(Please list name as it should appear on all print materials)

Contact person: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone : \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

Signature (required): \_\_\_\_\_

I would like to support the **ALEC 45<sup>th</sup> Anniversary Gala** at the following level:

- ☐ **\$100,000 Thomas Jefferson Sponsor (only two available)**
- ☐ **\$50,000 Reception Sponsor (only one available)**
- ☐ **\$25,000 Platinum Sponsor**
- ☐ **\$15,000 Gold Sponsor**
- ☐ **\$10,000 Silver Sponsor**
- ☐ **\$5,000 Copper Sponsor**

## PAYMENT INFORMATION:

Enclosed is my check payable to **ALEC**

Please charge my credit card: \$ \_\_\_\_\_ ☐ MasterCard ☐ Visa ☐ AmEx

Card number: \_\_\_\_\_ Exp. date: \_\_\_\_\_

Name as it appears on card: \_\_\_\_\_ Security code: \_\_\_\_\_

Signature of card holder: \_\_\_\_\_

Billing address associated with credit card (if different from address listed above)

Address: \_\_\_\_\_ City, State, Zip: \_\_\_\_\_

June 8, 2018

The Honorable  
Admiral  
Environ  
2018  
Washington,

Dear Admiral:

I have the honor to acknowledge the receipt of your letter of June 1, 2018, regarding the proposed rulemaking for the National Security Agency's (NSA) collection and processing of signals intelligence (SI) data.

As a member of the American Legislative Exchange Council (ALEC), I am pleased to participate in the ongoing dialogue between the NSA and the public regarding the collection and processing of SI data. I am also pleased to see the NSA's commitment to transparency and accountability in its operations.

The American Legislative Exchange Council (ALEC) is a non-profit organization that promotes the development and adoption of model legislation by state legislatures. We are committed to ensuring that the NSA's operations are consistent with the principles of transparency and accountability.

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Sincerely,



Li Ba Nelson  
Chief Executive Officer

American Legislative Exchange Council

**To:** Keith, Jennie[Keith.Jennie@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Thur 6/28/2018 3:12:36 PM  
**Subject:** RE: trip to Louisiana in Oct 2017?

Last one.

**From:** Davis, Gail  
**Sent:** Thursday, June 28, 2018 10:38 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: trip to Louisiana in Oct 2017?

**Ex. 5 - Deliberative Process**

**From:** Fugh, Justina  
**Sent:** Thursday, June 28, 2018 10:20 AM  
**To:** Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** RE: trip to Louisiana in Oct 2017?

**Ex. 5 - Deliberative Process**

THANKS!

**From:** Davis, Gail  
**Sent:** Thursday, June 28, 2018 10:18 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: trip to Louisiana in Oct 2017?

**Ex. 5 - Deliberative Process**

Hope you received my previous email!

**From:** Fugh, Justina  
**Sent:** Wednesday, June 27, 2018 7:30 PM  
**To:** Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** trip to Louisiana in Oct 2017?

Hi Gail,  
Recently, we saw a story in the news (see below) about the Administrator going to Louisiana to speak at the Louisiana Chemical Association in October 2017. According to the article, "Pruitt ... flew on a first-class flight for \$2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room."

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Justina

**E&E Climatewire**  
<https://www.eenews.net/climatewire/2018/06/19/stories/1060085009>  
**La. attorney general urged Pruitt to speak at industry event**  
By Scott Waldman, 6/19/20

Louisiana Attorney General Jeff Landry (R) appealed to EPA Administrator Scott Pruitt to speak at an industry gathering last fall.

Landry reached out in September to Pruitt's then-policy aide Samantha Dravis, hoping to prod the EPA boss to speak at a chemical group's annual meeting in New Orleans.

"Just following up on a conversation we had a month or so ago," he wrote. The "Louisiana Chemical Association is having their annual meeting Oct 26&27 in NOLA at the Loew's hotel. This is a meeting of the Managers that are responsible for operation [of] the chemical facilities in Louisiana. They would like Scott to address the group either day. Can you let me know if he is still available?"



The email was signed, "Jeff Landry Attorney General."

The two Republican politicians have known each other for years and even joined forces in some lawsuits against the Obama EPA. But it's not clear why the state attorney general would offer an invitation for a private industry event.

Asked to comment about the meeting invitation, Landry lauded Pruitt's efforts to roll back rules.

"Over 52% of the refining capacity in the United States is located on the Gulf Coast. The downstream energy sector is one of the largest middle class job building industries in the country," Landry said in a statement. "This sector has been tormented by useless job killing regulations. That is until President Trump came along and appointed people like Administrator Pruitt who work to scale back regulations contributing to historic economic growth."

Pruitt and Landry have a history of advocating on behalf of the chemical industry and fighting against regulations opposed by that sector. When they were at the Republican Attorneys General Association, they jointly opposed chemical industry regulations. One of Pruitt's first actions in office was to delay stronger safety rules on chemical plants and oil refineries. Landry was one of 11 attorneys general who requested the delay from EPA.

His September request was quickly met with approval from Pruitt's top aides, who wrote that they would try to get it on his schedule, according to emails obtained by the Sierra Club under a Freedom of Information Act request.

"I believe it would be a great opportunity," Landry wrote.

Within days, Hayley Ford, EPA's deputy White House liaison, confirmed the visit.

"I'm happy to let you know that the Administrator will be available to address this group," she wrote. "He appreciates the invitation and opportunity. Who should [we] communicate with regarding details and logistics? Specifically, exact timing and agenda for the event so we can build into his schedule? Thank you and we look forward to it!"

Pruitt later flew on a first-class flight for \$2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room.

Critics have accused both Pruitt and Landry of being too cozy with chemical companies. Some of Pruitt's political appointees at EPA have come directly from the American Chemistry Council, and Landry was endorsed in his attorney general bid by the Louisiana Chemical Association.

In the days before the conference, a representative for Landry invited Pruitt to have dinner with the attorney general while he was in New Orleans. Pruitt's aides declined that dinner but invited Landry to a breakfast with chemical industry representatives that EPA was organizing the next morning.

"We are organizing breakfast the morning of Fri, Oct 27 before the speaking engagement and we would be happy to have AG Landry attend if he would like," Ford wrote to one of Landry's aides. "It is more of an event, with several area CEOs and industry representatives. We don't yet have a firm location, but can share details with you as they develop this week."

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More to come.

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**From:** Fugh, Justina  
**Sent:** Thur 6/28/2018 3:12:12 PM  
**Subject:** FW: trip to Louisiana in Oct 2017?

More background info to follow

**From:** Davis, Gail  
**Sent:** Thursday, June 28, 2018 10:35 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: trip to Louisiana in Oct 2017?

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**Ex. 5 - Deliberative Process**

THANKS!

**From:** Davis, Gail  
**Sent:** Thursday, June 28, 2018 10:18 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: trip to Louisiana in Oct 2017?

**Ex. 5 - Deliberative Process**

Hope you received my previous email!

**From:** Fugh, Justina  
**Sent:** Wednesday, June 27, 2018 7:30 PM  
**To:** Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** trip to Louisiana in Oct 2017?

Hi Gail,  
Recently, we saw a story in the news (see below) about the Administrator going to Louisiana to speak at the Louisiana Chemical Association in October 2017. According to the article, “Pruitt ... flew on a first-class flight for \$2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room.”

Ex. 5 - Deliberative Process

**Ex. 5 - Deliberative Process**

Justina

**E&E Climatewire**  
<https://www.eenews.net/climatewire/2018/06/19/stories/1060085009>  
**La. attorney general urged Pruitt to speak at industry event**  
By Scott Waldman, 6/19/20

Landry reached out in September to Pruitt's then-policy aide Samantha Dravis, hoping to prod the EPA boss to speak at a chemical group's annual meeting in New Orleans.

"Just following up on a conversation we had a month or so ago," he wrote. The "Louisiana Chemical Association is having their annual meeting Oct 26&27 in NOLA at the Loew's hotel. This is a meeting of the Managers that are responsible for operation [of] the chemical facilities in Louisiana. They would like Scott to address the group either day. Can you let me know if he is still available?"

The email was signed, "Jeff Landry Attorney General."

The two Republican politicians have known each other for years and even joined forces in some lawsuits against the Obama EPA. But it's not clear why the state attorney general would offer an invitation for a private industry event.

Asked to comment about the meeting invitation, Landry lauded Pruitt's efforts to roll back rules.

"Over 52% of the refining capacity in the United States is located on the Gulf Coast. The downstream energy sector is one of the largest middle class job building industries in the country," Landry said in a statement. "This sector has been tormented by useless job killing regulations. That is until President Trump came along and appointed people like Administrator Pruitt who work to scale back regulations contributing to historic economic growth."

Pruitt and Landry have a history of advocating on behalf of the chemical industry and fighting against regulations opposed by that sector. When they were at the Republican Attorneys General Association, they jointly opposed chemical industry regulations. One of Pruitt's first actions in office was to delay stronger safety rules on chemical plants and oil refineries. Landry was one of 11 attorneys general who requested the delay from EPA.

His September request was quickly met with approval from Pruitt's top aides, who wrote that they would try to get it on his schedule, according to emails obtained by the Sierra Club under a Freedom of Information Act request.

"I believe it would be a great opportunity," Landry wrote.

Within days, Hayley Ford, EPA's deputy White House liaison, confirmed the visit.

"I'm happy to let you know that the Administrator will be available to address this group," she wrote. "He appreciates the invitation and opportunity. Who should [we] communicate with regarding details and logistics? Specifically, exact timing and agenda for the event so we can build into his schedule? Thank you and we look forward to it!"

Pruitt later flew on a first-class flight for \$2,265 to the conference, The Washington Post has reported. It has not been previously reported that Landry issued the invitation to the conference for Pruitt. In the emails, a Pruitt aide noted that the chemical association secured Pruitt a room.

Critics have accused both Pruitt and Landry of being too cozy with chemical companies. Some of Pruitt's political appointees at EPA have come directly from the American Chemistry Council, and Landry was endorsed in his attorney general bid by the Louisiana Chemical Association.

In the days before the conference, a representative for Landry invited Pruitt to have dinner with the attorney general while he was in New Orleans. Pruitt's aides declined that dinner but invited Landry to a breakfast with chemical industry representatives that EPA was organizing the next morning.

"We are organizing breakfast the morning of Fri, Oct 27 before the speaking engagement and we would be happy to have AG Landry attend if he would like," Ford wrote to one of Landry's aides. "It is more of an event, with several area CEOs and industry representatives. We don't yet have a firm location, but can share details with you as they develop this week."

## **Ex. 5 - Deliberative Process**

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 6/22/2018 2:51:34 AM  
**To:** Hewitt, James [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=41b19dd598d340bb8032923d902d4bd1-Hewitt, Jam]  
**Subject:** Re: ethics signoff on event invitation

Hey James—

Sorry for not getting back to you earlier ... short answer is that you can go to this. Tomorrow I will write back more fully!  
Justina

Sent from my iPhone

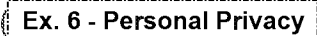
On Jun 21, 2018, at 2:25 PM, Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)> wrote:

 had actually asked if he could bring me instead and they gave him the okay.

---

**From:** Fugh, Justina  
**Sent:** Thursday, June 21, 2018 2:21 PM  
**To:** Hewitt, James <[hewitt.james@epa.gov](mailto:hewitt.james@epa.gov)>  
**Subject:** RE: ethics signoff on event invitation

Hi,

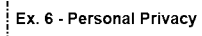
I can't read the invitation's small print, but it appears that you are not included in the addressee ( **Ex. 6 - Personal Privacy**). Often, the small print tells us whether the invitation is transferrable or not. If it is not, then I don't see how, from an etiquette standpoint, you could possibly infer that you have been invited to attend the event.

Justina

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**From:** Hewitt, James  
**Sent:** Thursday, June 21, 2018 11:34 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** ethics signoff on event invitation

Hi Justina,

 is playing in a band that is performing at the British Ambassador's Residence tomorrow and I've been asked to attend with him. Is this within the rules to attend?

I've pasted a screenshot below:

<image001.jpg>

Thank you,  
James

James Hewitt  
Environmental Protection Agency  
Press Secretary

(202) 578-6141



Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 6/26/2018 10:04:55 PM  
**To:** Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]  
**Subject:** EPA-HQ-2018-006825  
**Attachments:** pruit approved form August 2017.pdf; pruit approved form March 2018.pdf

Shannon,

I promise you that I am trying to get through stuff for you! This FOIA asks only for Pruitt's approved travel forms. I have 7 in this time frame. We have the one for Aug 2017 that I have to add to the filed semiannual report (we are working on that now), and one that we approved in March 2018. Here you go.

## Ex. 5 - Deliberative Process

Justina

EPA-HQ-2018-006825	Liz Charboneau	I am requesting all ethics forms submitted to the Office of General Counsel regarding payment for Administrator Pruitt's travel and accommodations by third party groups and/or organizations. The search for ethics forms should be limited to between February 17, 2017 and April 19, 2018.	Ex. 5 - Deliberative Process
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**From:** Fugh, Justina  
**Sent:** Thursday, June 21, 2018 10:18 AM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** RE: update

Two things:

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

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**From:** Griffo, Shannon  
**Sent:** Thursday, June 21, 2018 10:02 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: update

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

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Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

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**From:** Fugh, Justina  
**Sent:** Wednesday, June 20, 2018 11:36 AM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** update

Hi-  
See my notes below.  
Justina

FOIA #	REQUESTOR	WHAT REQUESTOR WANTS	COMMENTS
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EPA-HQ-2018-006843	Kevin Bogardus	I request communication records sent to and from EPA's ethics staff regarding late or missing OGE Form 278 public financial disclosure reports sent to and from EPA's political appointees -- either classified as Administratively Determined, Schedule C, Non-career Senior Executive Service, Presidential Appointment without Senate Confirmation or Presidential Appointment with Senate Confirmation -- from Jan. 20, 2017 to the date this FOIA request is processed
EPA-HQ-2018-006825	Liz Charboneau	I am requesting all ethics forms submitted to the Office of General Counsel regarding payment for Administrator Pruitt's travel and accommodations by third party groups and/or organizations. The search for ethics forms should be limited to between February 17, 2017 and April 19, 2018.
EPA-HQ-2018-007227	Emma Brown	Copy of OGE Form 278e, the Public Financial Disclosure Form, for Albert "Kell" Kelly, who was a senior adviser to Administrator Pruitt until May 1 2018.
EPA-HQ-2018-007413	Kevin Bogardus	I request communication records sent to and from the following individuals at EPA related to the preparation, creation and public release of the March 30, 2018 EPA memorandum entitled "Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts" by Kevin Minoli; the April 4, 2018 EPA memorandum entitled "Record for 'Review of Lease Agreement Under the Federal Ethics Regulations Regarding Gifts'" by Kevin Minoli; and the April 9, 2018 EPA letter to David Office of Government Ethics Acting Director and General Counsel David Apol by Kevin Minoli from March 29 to April 10, 2018: Scott Pruitt Ryan Jackson Matthew Leopold Liz Bowman Jahan Wilcox Kevin Minoli Justina Fugh

## Ex. 5 - Deliberative Process

Status &gt;&gt;&gt;

Approved by Approving Official

&lt;&lt;&lt; Status


**EPA**

 Approval to Accept Travel  
Under Ethics Reform Act of 1989

**Event Location** Boonesville, IN

**Travel Starts** 08/02/2017

**Event Sponsor(s)** State of Indiana

**DEO** Justina Fugh

**Employee Name** Scott Pruitt

**Title** Administrator

**Organization** OA

**Phone Number** 202-564-0000

☐ for-profit

☒ not for-profit

**Your Role** attendee

**Travel Ends** 08/02/2017

**Nature of Event** tour of coal mine in southern Indiana, meeting with Governor of Indiana

**Spousal expenses included?** ☐ Yes ☒ No

**Who is the non-federal person(s) or entity(s) paying travel expenses?**
**Name:** Eric Holcomb, Governor of Indiana

**Address:** Office of the Governor, Statehouse, Indianapolis, Indiana 46204-2797

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

elected governor of one of the 50 states in United States.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved* ☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved* ☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate? ☐ Yes ☒ No

If "Yes," attach explanation (below).

**Itemization of benefits**
**Amount & METHOD of payment**

	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$1020.71	\$0.00
Meals	\$0.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees	\$0.00	\$0.00
Other (specify)	\$0.00	\$0.00

Sub Total \$1020.71

Sub Total \$0.00

**TOTAL →→→→→ \$1020.71**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

☐ Yes ☒ No

**Any other explanations or attachments** ⓘ

Approving Official's Certification

Approved By: Justina Fugh

Date:06/05/2018

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL : Prior to the trip, the Administrator's office sought ethics advice about whether he could accept a ride on a blackhawk helicopter operated by the Army National Guard. The Administrator planned to meet with the Governor of Indiana in Indianapolis and then, together, the officials would visit a coal mine in southern Indiana. Car transportation would take too long, so the Governor offered the use of a helicopter. Under 31 USC 1353, EPA Ethics can accept the gift of travel for the Administrator under these circumstances but EPA Ethics erroneously determined that the Army National Guard was entirely federally funded. Thus, EPA Ethics determined at the time that an ethics travel form was not needed. Now, EPA Ethics has learned that, in times of peace, the state pays for the expenses for using a blackhawk helicopter (that seats 7). Based on press reports, the cost of the use of the helicopter was \$3,664 per flight hour and this trip amounted to 3.9 hours of total flight time, for a total of \$14,290. However, EPA travelers flew only one way. This gift to the Administrator was his seat only.

Additional Attachments / Explanations:

Status &gt;&gt;&gt;

Approved by Approving Official

&lt;&lt;&lt; Status

**EPA**Approval to Accept Travel  
Under Ethics Reform Act of 1989**Event Location** Sea Island, GA**Travel Starts** 03/10/2018**Event Sponsor(s)** American Enterprise Institute**DEO** Jennie Keith**Employee Name** **Scott Pruitt****Title** Administrator**Organization** OA**Phone Number** 202-564-0000☐ for-profit☒ not for-profit**Your Role**

Participant and speaker

**Travel Ends**

03/11/2018

**Nature of Event**

World Forum

**Spousal expenses included?**☐ Yes ☒ No**Who is the non-federal person(s) or entity(s) paying travel expenses?** **Name:** American Enterprise Institute**Address:** 1789 Massachusetts Ave NW, Washington, DC 20036

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

AEI's 2018 World Forum will address the challenges that the United States and its allies face in economics, security, and social welfare. The annual event is completely off-the-record and attracts top business and financial executives and entrepreneurs, as well as distinguished statesmen, scholars, and military leaders from around the world. Discussions of varying size are carefully structured to be candid, provocative, and informative. A premium is placed on lively debate, contrarian thinking, and solutions-oriented discussion.

Unencumbered by political or special interests, as always, the Forum focuses on creative and forward-looking ideas in pursuit of independent and innovative solutions with real-world impact. AEI expects the World Forum to inspire ideas that expand human dignity and human potential at home and abroad. The mix of participants' knowledge, experience, savvy, and talent makes the World Forum a unique venue for insight and intelligence unavailable at any other gathering.

The event, held annually at The Cloister on Sea Island, Georgia, is a private event for the purpose of encouraging a frank and free-ranging competition of ideas. Ample time is reserved for social events, sports and recreation, and private meetings. Spouses and significant others are encouraged to attend and participate in the Forum's discussions.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? If "Yes", then acceptance of travel expenses cannot be approved

☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's

☐ Yes ☒ No

matching share)? If "Yes", then acceptance of travel expenses cannot be approved ①

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below). ①

**Itemization of benefits** ①

**Amount & METHOD of payment** ①

	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$0.00	\$1428.50
Meals	\$150.00	\$0.00
Lodging	\$0.00	\$502.79
Local transportation	\$0.00	\$0.00
Waiver of fees ①	\$0.00	\$0.00
Other (specify) TMC booking fees, \$50 hotel tax	\$0.00	\$53.24
Sub Total	\$150.00	\$1984.53

**TOTAL** ➡➡➡➡➡ **\$2134.53**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

☐ Yes ☒ No

**Any other explanations or attachments** ①



2018 AEI World Forum Invitation Packet, Pruitt.pdf

\$16,000 registration fee which includes recreational activities. Prior to departure, the Scheduling Office did not believe traveler would participate in any recreational activities. The registration is not charged to speakers - it's complimentary.

**Approving Official's Certification**

Approved By: Jennie Keith

Date:03/15/2018

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL :

Additional Attachments / Explanations:

OGC/ETHICS approved this ethics travel form during the week of March 12, prior to travel - VJK

=====

OGC/ETHICS made updates to this form on 03/15/2018 after coordinating with Gail Davis. Waiting final numbers on hotel. Once we have final numbers, OGC/Ethics will approve again.

=====

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 6/20/2018 2:15:53 PM  
**To:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**CC:** Lyons, Troy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=15e4881c95044ab49c6c35a0f5eef67e-Lyons, Troy]; Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]; Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]  
**Subject:** RE: Speaking Invitation: Congressional Western Caucus Energy Forum, June 29

Hi Jennie,

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Ringel, Aaron  
**Sent:** Tuesday, June 19, 2018 9:45 AM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Palich, Christian <palich.christian@epa.gov>  
**Subject:** FW: Speaking Invitation: Congressional Western Caucus Energy Forum, June 29

Hi Jennie, we received a more detailed invite yesterday with a speaking request from the Western Caucus for their event in Colorado next week. I understand the short notice and we may not be able to attend due to time constraints but wanted to see if this was more in line with EPA ethics requirements.

Thanks,



-Aaron

---

**From:** Henry, Darrell [<mailto:dhenry@rogstrategies.com>]

**Sent:** Monday, June 18, 2018 4:13 PM

**To:** 'ringel.aaron@epa.gov'; 'palich.christian@epa.gov'; 'wilcox.jahan@epa.gov'; 'Rodrick.Christian@epa.gov'; 'abboud.michael@epa.gov'; 'Bennett.Tate@epa.gov'

**Subject:** Speaking Invitation: Congressional Western Caucus Energy Forum, June 29

We writing you to invite a representative for the Administrator to speak at the Western Caucus Foundation's Energy Forum to discuss **"America's Energy Dominance Fueling Prosperity"** with Congressional Western Caucus Chairman Paul Gosar (AZ-04), Representative Mike Coffman (CO-06), Representative Ken Buck (CO-04), Representative Scott Tipton (CO-03), and Senate and Congressional Western Caucus Staff on Friday, June 29<sup>th</sup> in Englewood, CO. Please see the attached event invitation with current agenda outline (a detailed agenda will be released soon).

Specifically, we'd like you or one of your colleagues to be a featured speaker at our event with Members of the Western Caucus along with thought and business leaders on why pursuing an all-of-the-above energy approach to American energy benefits consumers, the economy, and the environment.

This is not a Colorado only conversation, our members are from all across the West and our issues are promoted across the West. Our events include presentations and constructive conversations on federal regulatory and public policy issues that have been typically classified as "Western," but are now having an impact both the economy and land use in other parts of the country.

This event is by invitation only. This event is planned to fully comply with congressional ethics rules and other applicable laws.

The Western Caucus Foundation (WCF) is a 501(c)(3) not for profit organization committed to educating public policy makers and communicating with the public in an effort to enhance, sustain, and preserve the principles and culture of the American West. The Foundation provides support, education, outreach, and networking opportunities to advance the public policies important to the West, and offers Western Caucus members, staff, and stakeholders a non-partisan and non-political organization to facilitate discussion of critical Western issues through a robust agenda of meetings, conferences, education programs, and communications.

Thank you for considering including this event on your busy calendar. Please contact me at [info@westerncaucusfoundation.org](mailto:info@westerncaucusfoundation.org) or 202-487-8727 regarding you attendance or questions on the event.

Sincerely,

*Darrell Henry* | Executive Director

**Western Caucus Foundation** | [www.westerncaucusfoundation.org](http://www.westerncaucusfoundation.org)

400 N. Capitol St., #382B | Washington, DC 20001

Cell: Ex. 6 - Personal Privacy | Email: [info@westerncaucusfoundation.org](mailto:info@westerncaucusfoundation.org)

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**To:** Keith, Jennie[Keith.Jennie@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 6/19/2018 8:53:04 PM  
**Subject:** FW: Following Up  
[attachment 1.pdf](#)

This is the email that I remembered about Nebraska. I did cc you.

---

**From:** Fugh, Justina  
**Sent:** Thursday, June 14, 2018 6:26 PM  
**To:** Kunding, Kelly <kunding.kelly@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>; Borromeo, Karina <Borromeo.Karina@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** RE: Following Up

Hi Kelly,  
My apologies for not responding earlier. This note confirms the advice I provided to you orally. I am copying Karina Borromeo on this note as she is the regional ethics counsel in Region 7 for Mr. Gulliford, and Gail Davis, because I have included a little travel voucher advice.

As evidenced in the attached document, a quasi-governmental entity (the Lower Platte North Natural Resources District) invited Jim Gulliford to a press conference to announce the removal of Shell Creek from the list of impaired waters. Following the press conference, the organization will sponsor a picnic at a nearby farm. You indicated that the Governor will be attending this event and invited Mr. Pruitt to go as well. You wondered about whether there may be any gift involved in this situation.

Based on the facts provided, I indicated to you that the Administrator may certainly attend the press conference in his official EPA capacity. He could also stop by the farm to express the Agency's appreciation to the organization. You indicated that he has a very tight schedule, so he is unlikely to stay for a protracted length of time and that, further, he would not partake of any of the food offered at the picnic. The sponsor of the event is not a federally registered lobbyist. I advised you that we would not consider mere attendance at the picnic to be a "gift" since he is going to decline to eat the meal. I also indicated that, when Gail Davis prepares the travel voucher, she need not "back out" this lunch from the per diem. He is not receiving a gift of a meal, so he can claim it on his voucher as part of per diem. If, however, he plans to eat the meal, then I will need to know if the cost of the meal per person is more or less than \$20. If more, then he should be advised to complete the ethics travel form. Otherwise, he can eat the less-than-\$20 meal but then can't claim per diem for that meal.

Finally, in our conversation, you asked about staffers who accompany the Administrator to an event and whether they can accept a meal. I will write to you separately about that tomorrow.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Kunding, Kelly  
**Sent:** Wednesday, June 13, 2018 2:20 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Following Up

Justina -

Thank you for taking the time to talk. To follow up on our conversation, the Administrator has been invited by the Governor and the Region 7 Office to attend the event included in the attached invitation. He will be delivering brief remarks along with the Governor and Jim Gulliford at a press conference and is planning to stop by a celebratory picnic at the conclusion of the press conference.

The Administrator has to catch a flight back to DC, therefore, he will not be staying at the picnic for more than a few minutes and will not be eating.

Please advise how to best document this visit in the proper manner.

Thank you,

Kelly

511 Commercial Park  
Rd.  
Wahoo, NE 68066  
(402) 443-4675  
lpnurd@lpnurd.org

**LOWER PLATTE NORTH**  
**Natural Resources District**



May 21, 2018

Jim Gulliford  
EPA Regional Administrator  
US EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

Via email to Jim Gulliford

Dear Mr. Gulliford:

I would like to invite you to speak at a press conference on Friday, June 15 at 10:30am to announce the removal of Shell Creek from the List of Impaired Waters due to contamination by Atrazine. This is the first time in history for a successful delisting of a stream for Atrazine contamination resulting from the implementation of a comprehensive watershed management plan. The press conference will be held at streamside followed by a celebration picnic at the Mark Horejsi Farm, 631 RD H, Schuyler, NE.

This is the culmination of 15 years of effort by the Shell Creek Watershed Improvement Group, a grassroots group of local producers, working with local, state and federal conservation agencies to improve water quality in Shell Creek. We are interested in you speaking about the Section 319 program and how it's meant to be a targeted approach to causing positive change. Partners that participated in this effort include Lower Platte NRD, Nebraska Department of Environmental Quality, Nebraska Environmental Trust, University of Nebraska Extension, USDA Natural Resources Conservation Service, US Environmental Protection Agency and the Newman Grove and Schuyler High School Science Programs.

We are anticipating more than 150 producers and representatives of the partner organizations and media to attend the press conference and delisting celebration. A DRAFT agenda is included with this invitation. In advance, thank you for consideration of this request. Please let me know at your earliest convenience if this will work into your schedule, 402.443.4675 or [lmountford@lpnurd.org](mailto:lmountford@lpnurd.org).

Respectfully,  
*Tom Mountford*  
Tom Mountford  
Assistant General Manager

Lower Platte North Natural Resources District

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 6/11/2018 9:35:17 PM  
**To:** Ringel, Aaron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1654bdc951284a6d899a418a89fb0abf-Ringel, Aar]  
**CC:** Palich, Christian [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=330ad62e158d43af93fcbbece930d21a-Palich, Chr]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Aaron,

We have taken a leap of faith to believe that the flyer you received is actually akin to an invitation. The email does not say "please join us," and the events appear to us to be directed at congressional employees. We note that:

- a. The lunch on Friday is complimentary for a certain group of people, but not executive branch employees. Therefore, we expect that you will be paying for the lunch yourselves and, since you are in travel status, then taking per diem for that meal.
- b. The afternoon tour is open only to members and staff (by staff, we presume congressional). Therefore, we expect that, as executive branch employees, you will not be participating in this tour. We cannot clear you to attend this event based on the information provided (because it does not appear to be intended for executive branch employees, and we cannot solicit the gift).
- c. It is our understanding that the only event available to EPA employees is the morning energy forum session. Theoretically, we can allow you to attend that event, but we note that EPA will be paying travel dollars to send you to an event that is for one morning and seems to involve general information at best. We are having trouble identifying the benefit to EPA to attend events that are targeted for Congressional staff.
- d. There is also a reception scheduled on the Thursday evening before the one-day event. I suppose that's possible, but would need more information (and it's only-a-go depending on the vote schedule in Congress).

Earlier this year, OGC/Ethics reviewed an invitation (for Stephen Gordon) for the same organization. In that instance, we noted that the trip had been designed with legislative (not executive) branch ethics rules in mind. We noted that, because the Executive Branch ethics rules are quite different, we lacked the authority for the EPA employee to attend many of the events featured in the itinerary. Examples of the prohibited excursions in that example were a fundraiser, aerial tour of the Grand Canyon and a baseball game. In providing advice to your colleague previously, Jennie Keith wrote,

#### Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

So, we can say that you may pay for your own lunch (and accept EPA per diem) and that you can attend the morning forum, but it may not be prudent to do so.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Ringel, Aaron  
**Sent:** Monday, June 11, 2018 10:36 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Palich, Christian <palich.christian@epa.gov>  
**Subject:** RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hey Justina, any update from Jennie on this?

Thanks!

-Aaron

---

**From:** Fugh, Justina  
**Sent:** Tuesday, June 5, 2018 4:54 PM  
**To:** Ringel, Aaron <ringel.aaron@epa.gov>  
**Cc:** Palich, Christian <palich.christian@epa.gov>  
**Subject:** RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

I sent this to Jennie Keith of my team for her insights. She reviews invitations for our group. I'll have to check to see if she had any comments back to me (I was out yesterday).

---

**From:** Ringel, Aaron  
**Sent:** Tuesday, June 05, 2018 4:53 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Palich, Christian <palich.christian@epa.gov>  
**Subject:** RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, just wanted to ping you again about this since the event is coming up at the end of this month.

Thanks,

-Aaron

---

**From:** Ringel, Aaron  
**Sent:** Wednesday, May 30, 2018 9:28 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Palich, Christian <palich.christian@epa.gov>  
**Subject:** RE: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, just wanted to check back in on this and see if you had any feedback.

Thanks!

-Aaron

---

**From:** Ringel, Aaron  
**Sent:** Friday, May 25, 2018 9:00 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>

**Subject:** Re: Western Energy Forum - Denver, CO, June 28 & 29, 2018

It would be myself, Christian Palich, Tony Frye, and Christian Rodrick.

Sent from my iPhone

On May 25, 2018, at 8:58 AM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Who in OCIR would attend?

---

**From:** Ringel, Aaron

**Sent:** Thursday, May 24, 2018 5:21 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Palich, Christian <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>; Lyons, Troy <[lyons.troy@epa.gov](mailto:lyons.troy@epa.gov)>

**Subject:** FW: Western Energy Forum - Denver, CO, June 28 & 29, 2018

Hi Justina, I wanted to get your take on whether it would be allowable for OCIR to attend this event.

Thanks,

-Aaron

---

**From:** Western Caucus Foundation

[<mailto:info=westerncaucusfoundation.org@mail217.atl101.mcdlv.net>] **On Behalf Of** Western Caucus Foundation

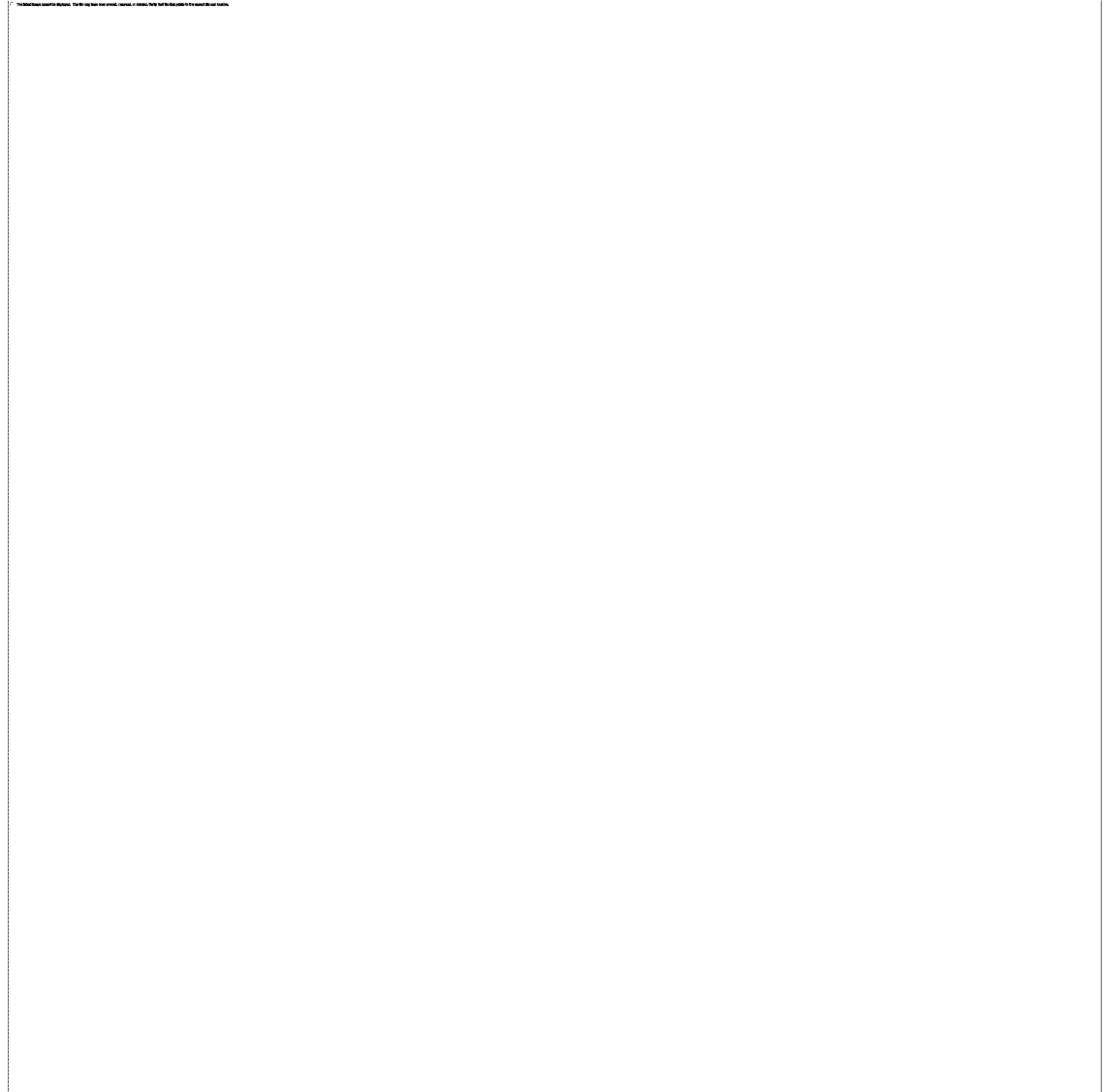
**Sent:** Thursday, May 24, 2018 4:44 PM

**To:** Ringel, Aaron <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>

**Subject:** Western Energy Forum - Denver, CO, June 28 & 29, 2018

[View this email in your browser](#)





## **WESTERN ENERGY FORUM**

**June 28<sup>th</sup> (evening) & 29<sup>th</sup>, 2018**

***Location: Denver Tech Center, Colorado***

**w/ Special Guests**

**Chairman, Steve Daines (MT), Senate Western Caucus**

**Chairman Paul Gosar (AZ-04), Congressional Western Caucus**

**Representative Mike Coffman (CO-06),**

**Representative Scott Tipton (CO-03), Representative Ken Buck (CO-04)**

**Senate and Congressional Western Caucus Members and Staff**

## **Thursday, June 28th**

7:00 p.m. Reception (subject to Congressional vote schedule)

## **Friday, June 29th**

9:30 a.m. Location TBD

### **Energy Forum: “America’s Energy Dominance Fueling Prosperity”**

- How America’s energy renaissance benefits states, local governments, and residents.
- Why pursuing an all-of-the-above energy approach to American energy benefits consumers, the economy, and the environment.

Noon: Stakeholder luncheon w/ VIP speaker for supporters and sponsors (widely attended)

1:30 p.m.: Member and staff field tour of natural gas drilling sites

[Click here to register/RSVP](#)

[Click here for sponsorship information](#)

### **Hotel: Doubletree Denver Tech Center**

7801 E. Orchard Rd. Greenwood Village, CO 80111

[denvertree.doubletree.com](http://denvertree.doubletree.com) | +1-303-779-6161

Ask for Western Caucus rate @ \$159 (before 6/7 or call us after 6/7)

Event attendance by invitation only. [Lunch attendance complimentary](#) for the Foundation’s 2018 supporters, lunch sponsors, and Western Caucus Members and staff.

Contact: Amy Bradley,

**Ex. 6 - Personal Privacy**

*The Western Caucus Foundation (WCF), a 501 (c)(3), is a cultural exchange organization committed to educating public policy makers and communicating with the public in an effort to enhance, sustain, and preserve the West's dynamic and unique culture. The Foundation provides support, education, and networking opportunities to advance the public policies important to the West, and offers members a non-partisan and non-political organization to facilitate discussion of critical Western issues through a robust agenda of meetings, conferences, and programs.*

***These events are planned to fully comply with Congressional Ethics Rules and Other Applicable Laws.***

[www.westerncaucusfoundation.org](http://www.westerncaucusfoundation.org)

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Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 5/31/2018 1:50:52 PM  
**To:** Jennie Keith [Keith.Jennie@epa.gov]  
**Subject:** FW: Delta Council  
**Attachments:** Draft LxL - Delta Council (003).pdf

Millan and Hayley called me on my cell phone on my way home last night. They said they would send me more information!

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

**From:** Fugh, Justina  
**Sent:** Thursday, May 31, 2018 9:48 AM  
**To:** Hupp, Millan <hupp.millan@epa.gov>  
**Cc:** Kunding, Kelly <kunding.kelly@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** RE: Delta Council

Hi Millan,

Thank you for sending the actual agenda. This is the sort of information that we had gotten from previous Administrators in order to provide full and complete ethics advice. We can now see who else will be in attendance so that we can provide other political appointees with advice to ensure that they also do not fall afoul of the lobbyist gift rules.

In this situation, I checked, and the Delta Council is indeed a federally registered lobbyist. Therefore, the Administrator (as well as the other political appointees) cannot accept any gifts whatsoever from this entity. The prohibited gifts include transportation, receptions and some meals. In reviewing the schedule you sent, I have made the following notes:

Thursday, May 31		
EVENT	QUESTIONS	ETHICS RECOMMENDATION
Depart for Hopson Commissary	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Lunch with Delta Council and Delta FARM leadership	Who is paying for the lunch? How much is it?	All political appointees are subject to the ethics pledge (Pruitt, Glenn, Gulliford, Lyons, Daniell, Palich, Kunding). Not all of them will be speaking or otherwise presenting information on behalf of EPA. This lunch is not part of the overall event. Therefore, OGC/Ethics recommends that all EPA employees pay for this meal (not

		accept it as a gift) and then claim per diem for this meal.
Pollinator Health and Water Quality Project Tour	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Depart for Delta Council Reception	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Delta Council Reception		This event, although possibly a widely attended gathering, is sponsored by a federally registered lobbyist, so IS NOT an exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Hotel	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Friday, June 1		
Depart for Kent Wyatt Administration Building	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.
Business Roundtable	Who is sponsoring this event?	Even if refreshments are offered, the EPA attendees may accept. Refreshments offered as other than a meal are not considered gifts.
Delta Council Meeting		This is a meeting sponsored by a federally registered lobbyist.
Delta Council Lunch	Assuming that lobbyist is paying for this lunch	This event does not appear to involve any speaking opportunity, is not a widely

		attended gathering, and is sponsored by a federally registered lobbyist. NO exception to the lobbying gift ban. The Administrator and all other political appointees must either pay out of pocket to attend this event (and then claim per diem), or you may ask OGC/Ethics to apply 31 USC 1353 to allow the Agency to accept the gift instead (but then they cannot claim per diem for the meal).
Depart for Airport	Who is paying for this transportation?	EPA security should transport the Administrator. Other EPA employees should rent cars. Anyone who accepts a ride from a non-federal source will need to contact OGC/Ethics for ethics travel approval IN ADVANCE of the trip.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Hupp, Millan  
**Sent:** Wednesday, May 30, 2018 7:36 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Kunderinger, Kelly <[kunderinger.kelly@epa.gov](mailto:kunderinger.kelly@epa.gov)>; Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Subject:** Delta Council

Justina,

In an effort to memorialize our conversation from earlier, I've attached the agenda for the Delta Council. The three gifts we discussed were the lunch on Thursday, May 31<sup>st</sup> totaling \$11, the reception on Thursday, May 31<sup>st</sup> totaling \$11, and the lunch on Friday, June 1<sup>st</sup> totaling \$16.

The Delta Council was heavily involved in organizing each one of these events on Thursday and Friday with the Administrator being the guest of honor at each one. As I understand from our conversation, the Administrator can accept the gift of both the lunch on Thursday and the lunch on Friday as they both involve remarks and the discussion of EPA business.

As for the reception on Thursday, kindly offer guidance based off the information provided. Hors d'oeuvres will be provided though the Administrator is not expected to be eating. This event is hosted by the Delta Council and invited guests are made up of primarily elected officials. How shall we proceed with the handling of this gift?

Please let me know what additional questions I may answer.

Thank you,  
Millan

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)



**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 5/25/2018 2:43:55 PM  
**To:** Jennie Keith [Keith.Jennie@epa.gov]  
**Subject:** FW: Faith & Freedom Graphic

I will see Kevin in about 45 minutes.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

What do you think?

**From:** Kunding, Kelly  
**Sent:** Thursday, May 24, 2018 4:32 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Re: Faith & Freedom Graphic

Thank you, Justina.

**Ex. 5 - Deliberative Process**

On May 24, 2018, at 4:08 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi Kelly,

Jennie will follow up with you tomorrow, but we talked today.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004  
for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Kunding, Kelly  
**Sent:** Thursday, May 24, 2018 4:00 PM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Faith & Freedom Graphic

Jennie & Justina -

I wanted to follow up on this, as this organization is seeking an answer on whether or not they can distribute this graphic.

Thank you,

Kelly



On May 21, 2018, at 3:17 PM, Kunding, Kelly <[kunding.kelly@epa.gov](mailto:kunding.kelly@epa.gov)> wrote:

Jennie & Justina –

Would you mind letting me know if we can approve Faith & Freedom using the attached graphic to promote the Administrator's attendance? We will of course ask them to change "Sec." to "Administrator."

Thank you for your guidance.

Kelly Kunding  
Deputy Director of Scheduling and Advance  
[Kunding.Kelly@epa.gov](mailto:Kunding.Kelly@epa.gov)  
202-568-9879

<PruittFB.PNG>

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 9/7/2018 8:33:06 PM  
**To:** Bodine, Susan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=8c2cc6086fcc44c3be6b5d32b262d983-Bodine, Sus]  
**CC:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** RE: Please help me make this a truly great event! November 14, 2018!

No, no, I meant “former employer” within the context of the pledge, which looks back only two years!

---

**From:** Bodine, Susan  
**Sent:** Friday, September 07, 2018 4:32 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Please help me make this a truly great event! November 14, 2018!

The firm is my former employer – I left in December 2014.

**Ex. 5 - Deliberative Process**

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**From:** Fugh, Justina  
**Sent:** Friday, September 7, 2018 4:30 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Please help me make this a truly great event! November 14, 2018!

Hi there,

Ah, thanks for the clarification! So the only thing to evaluate in your case is whether you may speak at the environmental seminar *at the firm*. We do know that the event at the firm is organized for the benefit of the firm’s clients, but we assume that no admission fee will be charged. Still, it’s likely that the firm will cast this event as “business development.”

My musing about the “for the benefit of the firm’s clients” refers to an analysis we have to do for appointees who want to speak at events sponsored by their former employer or former client (which is not your situation). There, we have to consider whether a fee is being charged or if the event is organized for the purpose of fundraising or business development. If so, then we advise the appointee not to participate.

But this firm is not your former client or former employer, so we don’t have to worry as much about the pledge. Given your position, I know that you are often asked to speak at events and that there is an agency interest in your speaking to this event in order to reach this particular audience. So long as there is no preferential treatment, then I have no objection to your participation (now that I know the event is at the firm, not at the Swedish Embassy, which was confusing!). Just please ask Mr. Longworth to be mindful not to use your public title to promote the event. He can of course say factually that you’re confirmed and speaking, but we ask that he refrain from using you to rustle up attendees.

# Ex. 5 - Deliberative Process

Best,  
Justina

Justina Fugh | Director, Ethics Law Office | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Bodine, Susan  
**Sent:** Friday, September 07, 2018 4:10 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Please help me make this a truly great event! November 14, 2018!

To be clear, the invite is to speak at a seminar on enforcement held at the firm.

The post-election event has members of Congress as speakers and is later in the day at the Swedish Embassy.

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

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**From:** Fugh, Justina  
**Sent:** Friday, September 7, 2018 3:38 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** Re: Please help me make this a truly great event! November 14, 2018!

Hi Susan,

This particular invitation is chock full of ethics nuggets.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

On Monday, if you are able to attend the Acting Administrator's staff meeting, then OGC will be giving a 20 minute presentation on invitations. You, of course, will already know rule #1, which is to ask OGC if you have any questions! I'm going to hold off answering this email until after that training so that Jennie Keith (who is busy planning her presentation) and I can coordinate our response.

Justina

---

**From:** Bodine, Susan  
**Sent:** Thursday, September 06, 2018 4:53 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Please help me make this a truly great event! November 14, 2018!

Barnes & Thornburgh has registered lobbyists.

## Ex. 5 - Deliberative Process

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**From:** Longsworth, Jeffrey [mailto:Jeffrey.Longsworth@btlaw.com]  
**Sent:** Thursday, September 6, 2018 2:09 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Dunn, Alexandra <dunn.alexandra@epa.gov>  
**Subject:** Please help me make this a truly great event! November 14, 2018!

Susan and Alex,

See below about the B&T post-election event at the Swedish Embassy on the Potomac River. Similar to our event after the 2016 election, I will be adding an environmental seminar-like event from 1-3 p.m. in our office, with transportation for everyone attending to the "Signature Event" in Georgetown.

Will you both please come and present at my environmental seminar? I want this to be the Susan and Alex show and it would be so much fun. You both are great leaders and friends, and have so much going on that you can share and discuss. Susan's new compliance assurance focus (finally! Help people comply and everyone will do it!). Alex's glowing article in the Boston Globe, followed by news of her new nomination that could bring her back to DC. You two would be amazing and I'd owe you forever (although I think I told Susan she owes me because, through no fault of her own, she had to cancel in 2016 because the Senate EPW had a critical vote or action on one of her pet projects?). And Alex, if I haven't shared with you, much of my life lately is consumed by PFAS for airports...but we can talk about that later...and you know who the PFAS expert at ECOS is...nice dinner discussions when we get together (much to Kim's chagrin).

Okay, enough begging. I know Susan is presenting to the ABA on November 13...boring compared to the event I have planned. Please say yes. And join us at the Swedish Embassy with your husbands afterwards. Best, Jeff.

P.S. I don't really like the use of or connotation about "report cards" in our title below...this is totally a forward looking event, not a recap or assessment of 2016-18, but what might happen in 2018-2020 based on the mid-terms. Cheers.

**Jeffrey Longsworth** | Partner  
Barnes & Thornburg LLP  
1717 Pennsylvania Avenue NW, Suite 500, Washington, DC 20006-4623  
Direct: (202) 408-6918 | Mobile: Ex. 6 - Personal Privacy Fax: (202) 289-1330



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### WHAT THE MIDTERM ELECTION RESULTS MEAN FOR YOUR BUSINESS

The speakers will review how new laws and regulations have affected business growth and the economy, and offer insights on how the midterm elections will affect businesses over the next two years.

#### SPEAKERS:

U.S. Rep. Stephanie Murphy, a Democrat, proudly represents Florida's Seventh Congressional District. She currently serves on the House Armed Services Committee and on the House Small Business Committee, where she is ranking member on the Subcommittee on Contracting and Workforce.

U.S. Sen. Todd Young, a Republican, proudly represents the state of Indiana. He currently serves on the Senate Committee on Foreign Relations and the committees on Health, Education, Labor and Pensions; Commerce, Science and Transportation; and Small Business and Entrepreneurship.

WEDNESDAY, NOVEMBER 14, 2018

3:30 p.m. Registration & Networking

4:00 p.m. Program

5:00 p.m. Networking Reception

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#### QUESTIONS?

Contact Terri Tackett at [terri.tackett@btlaw.com](mailto:terri.tackett@btlaw.com) Or

Join the conversation at **#BTEvents2018**

Ex. 6 - Personal Privacy

ATLANTA CALIFORNIA CHICAGO DELAWARE INDIANA  
MICHIGAN MINNEAPOLIS OHIO TEXAS WASHINGTON, D.C.

This email was sent by Barnes & Thornburg LLP | 1717 Pennsylvania Avenue N.W., Suite 500 | Washington, DC 20006-4623

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Message

---

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 5/11/2018 7:01:06 PM  
**To:** OGC Ethics [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d2008c2d46ec4cd783b3b20b84a10fdd-OGC Ethics]  
**Subject:** my meeting with Kevin yielded some startling news  
**Attachments:** contact information for staff for Kevin.doc

Hi there,

# Ex. 5 - Deliberative Process

Other notes:

- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Justina



Message

---

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 4/17/2018 6:53:12 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Ford, Hayley [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4748a9029cf74453a20ee8ac9527830c-Ford, Hayle]  
**Subject:** RE: Homebuilders paid for Pruitt's Colorado hotel stay  
**Attachments:** pruit approved form Oct 2017.pdf

Here you go. I sent the approval to Liz just now, too.

---

**From:** Jackson, Ryan  
**Sent:** Tuesday, April 17, 2018 2:10 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Ford, Hayley <ford.hayley@epa.gov>  
**Subject:** FW: Homebuilders paid for Pruitt's Colorado hotel stay

## Ex. 5 - Deliberative Process

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**From:** Bowman, Liz  
**Sent:** Tuesday, April 17, 2018 1:35 PM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>  
**Subject:** FW: Homebuilders paid for Pruitt's Colorado hotel stay

---

**From:** POLITICO Pro [mailto:politicoemail@politicopro.com]  
**Sent:** Tuesday, April 17, 2018 1:16 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Subject:** Homebuilders paid for Pruitt's Colorado hotel stay

### Homebuilders paid for Pruitt's Colorado hotel stay

By Lorraine Woellert

04/17/2018 01:12 PM EDT

A group of Colorado homebuilders paid for a luxury hotel stay last fall for EPA chief Scott Pruitt, eight months after the Trump administration began work on a major priority for their industry by unwinding an Obama-era wetlands regulation.

During his visit to Colorado Springs, Pruitt gave a speech to the builders and invited them to EPA headquarters in Washington, where he later told his staff to regard them as the agency's "customers," the head of the group told POLITICO.

The \$409.12 hotel stay may have met federal legal requirements if EPA's ethics officers had approved it ahead of time. But it's likely to add to the storm of ethics controversies surrounding Pruitt, who faces scrutiny from EPA's inspector general, the White House and members of Congress for his travel and security spending and a \$50-a-night Capitol Hill rental he accepted from the wife of an energy lobbyist.

The \$409 hotel room "might be the least of his problems, but it's emblematic of all his problems," said Virginia Canter, an ethics lawyer for Citizens for Responsibility and Ethics in Washington, a nonprofit watchdog group.

"It's one thing when a head of an agency or senior official is engaged in legitimate outreach," Canter added. "But to give a speech, accept a benefit of overnight lodging, then a few weeks later instruct your staff that these are your clients strikes me as inappropriate. At a minimum it raises an appearance issue."

Pruitt is known to actively seek speaking slots at events with key groups with a stake in the agency's actions. A former staffer, Kevin Chmielewski, has told lawmakers that Pruitt directed his staff to find places he could visit, congressional Democrats wrote in a letter last week. A former lobbyist also recalled Pruitt and his staff persistently asking for an invite to a conservative event that fundraisers frequently attend.

EPA spokesman Jahan Wilcox did not immediately respond to requests for comment about the travel arrangements.

Pruitt agreed to speak to the Housing and Building Association of Colorado Springs after it offered to cover his expenses, including his flights and \$409.12 to put him up at The Broadmoor, a lakeside golf resort, on Oct. 4, according to the builder group's chief executive officer, Renee Zentz. The hotel advertises itself as "a legendary Forbes Five-Star and AAA Five-Diamond resort with impeccable service and distinctive amenities."

EPA never billed the trade group for his flights, Zentz said in an interview. And while Pruitt stayed at The Broadmoor as the group had agreed, his entourage spent the night at a different hotel, Zentz said.

"We didn't pay for his team but we paid for him. That was the agreement when we talked to him," Zentz said. "We just wanted to get him here, we were just so excited to have him."

The trip's headline event was a Pruitt speech to a lunch gathering of about 150 people on Oct. 5, Zentz said. In a stroke of good timing, board members from the National Association of Home Builders were meeting in nearby Santa Fe, N.M., and flew up for the event. NAHB President Jerry Howard hustled in from Washington to moderate Pruitt's remarks.

The group's invitation describes the event as "a rare opportunity to hear directly from the EPA administration" and "our chance to make sure the concerns of our industry are being listened to."

"It just was an awesome opportunity," Zentz said. "It was a pretty big feather in our cap locally."

Builders rank among Pruitt's biggest supporters, even amid his recent spate of negative headlines. They also have lauded the administration's efforts to roll back regulations on clean water and storm runoff, including a sweeping Obama-era EPA regulation called Waters of the United States that several industries have denounced as a multibillion-dollar drag on the economy. Granger MacDonald, then-chairman of the National Association of Home Builders in Washington, was at the White House in February 2017 when President Donald Trump signed an executive order that took the first step toward undoing that rule, one of his first acts in office.

Pruitt, who attended the signing ceremony, has since set about crafting a much more limited regulation to protect waterways and wetlands. Environmental groups have said the move could leave 60 percent of U.S. stream miles and 20 million acres of wetlands unprotected and vulnerable to development or pollution.

Before the October lunch in Colorado Springs, Pruitt sat down to an invitation-only coffee with about 20 business owners and builders, who complained about EPA's approach to stormwater controls and other regulations. At the end of that meeting, Pruitt instructed staff to arrange a meeting in Washington with industry representatives, Zentz said.

That meeting took place at EPA headquarters on Oct. 24, when Pruitt and his staff met with eight to 10 industry representatives, including a Colorado builder from Zentz's group.

Pruitt "wanted to hear from our districts. He called a representative from every single district," Zentz said. "He put his staff in the room and said, 'This is our customer, this is who we're going to listen to.'"

"He told his staff, 'These are our customers,'" Zentz said. "He listened."

Federal law allows government officials to accept travel reimbursement, including hotel stays, with prior approval from agency officers. But even if the agency had approved the room, it was inappropriate, CREW's Canter said.





"It appears to be abuse of the travel approval," she said. "It's not intended to be used to provide luxury accommodations to the head of the agency so he can turn around two weeks later and say we give these guys favorable treatment."

*Emily Holden and Annie Snider contributed to this report.*

*To view online:*

<https://www.politicopro.com/energy/article/2018/04/homebuilders-paid-for-pruitt-hotel-stay-488318>

Was this Pro content helpful? Tell us what you think in one click.

				
Yes, very	Somewhat	Neutral	Not really	Not at all

**You received this POLITICO Pro content because your customized settings include: Energy: EPA; Energy: Scott Pruitt. To change your alert settings, please go to <https://www.politicopro.com/settings>**

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# POLITICOPRO

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This email was sent to [bowman.liz@epa.gov](mailto:bowman.liz@epa.gov) by: POLITICO, LLC 1000 Wilson Blvd. Arlington, VA, 22209, USA

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**Event Location** Colorado Springs, CO

**Travel Starts** 10/04/2017

**Event** Housing & Building Association of Colorado Springs

**Sponsor(s)** ⓘ

**DEO** ⓘ Justina Fugh

**Employee Name** ⓘ **Scott Pruitt**

**Title** Administrator

**Organization** OA

**Phone Number** 202-564-0000

**Who is the non-federal person(s) or entity(s) paying travel expenses?** ⓘ

**Name:** Housing & Building Association of Colorado Springs

**Address:** 4585 Hilton Pkwy, Suite 100, COS, CO 80907

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

The Housing & Building Association of Colorado Springs is a private, non-profit 501 (C) (6) corporation representing home builders, remodelers, developers, subcontractors, suppliers, manufacturers, and myriad other housing-related professionals in the Colorado Springs area.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? If "Yes", then acceptance of travel expenses cannot be approved

☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement O R F E D E R A L G R A N T (including a recipient's matching share)? If "Yes", then acceptance of travel expenses cannot be approved ⓘ

☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below). ⓘ

**Itemization of benefits** ⓘ

**Amount & METHOD of payment** ⓘ

**IN KIND**

ticket, meals etc., est. the \$

**IN CASH**

must be a check etc. made out to EPA

Common carrier transportation

\$0.00

\$0.00

Meals

\$0.00

\$0.00

Lodging

\$370.00

\$0.00

Local transportation

\$0.00

\$0.00

Waiver of fees ⓘ

\$0.00

\$0.00

Other (specify)

\$0.00

\$0.00

Sub Total \$370.00

Sub Total \$0.00

**TOTAL** ➡➡➡➡➡ **\$370.00**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

☐ Yes ☒ No

**Any other explanations or attachments** ⓘ

estimate of room and taxes included. ( (\$330.00 room rate)

Approving Official's Certification

Approved By: Justine Fugh

Date: 10/13/2017

☐ **Hold Pending Review**

**NOTE FROM APPROVING OFFICIAL :** approved orally in advance of trip.

**Additional Attachments / Explanations:**

Message

---

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 4/16/2018 2:16:58 PM  
**To:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** Fwd: Question on EarthX Event - Attendance, Offer of Travel  
**Attachments:** EarthxLaw One Sheet FINAL !.pdf; ATT00001.htm

Did you hear about this for Matt? Can you answer for both him and Susan?

Sent from my iPhone

Begin forwarded message:

**From:** "Shiffman, Cari" <[Shiffman.Cari@epa.gov](mailto:Shiffman.Cari@epa.gov)>  
**Date:** April 13, 2018 at 5:24:36 PM EDT  
**To:** "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** "Branning, Hannah" <[Branning.Hannah@epa.gov](mailto:Branning.Hannah@epa.gov)>  
**Subject:** Question on EarthX Event - Attendance, Offer of Travel

Justina,

Susan Bodine is planning to attend the Law and Policy Symposium at EarthX in Dallas next Friday as a keynote speaker. We had several questions we wanted to run by you.

1. There will a breakfast and lunch for everyone who attends the Law and Policy Symposium. May Susan eat the meals? Other participants paid between \$25 and \$225 to attend. Does Susan need to pay the registration fee?
2. The organizers want to arrange and pay for a dinner for the speakers for Thursday night. Can Susan attend this dinner? If she can attend, does she need to pay for the meal?
3. One of the organizers of the Symposium just reached out to us to offer to pay for Susan's flight and hotel. Susan had already been planning to go to Dallas on Wednesday's night for an annual visit with Region 6, so we have already booked her flight and hotel. Can she accept this offer?

## Ex. 5 - Deliberative Process

They may have also reached out to Matt Leopold's assistant, since he is speaking at the symposium as well.

Thanks,

Cari Shiffman, Chief of Staff  
U.S. Environmental Protection Agency  
Office of Enforcement and Compliance Assurance  
Office: (202) 564-2898 | Mobile: (202) 823-3277



# EarthxLaw

EarthX 2018 • Dallas, Texas



## Law & Policy Symposium - “Back to the Future!”

**HALL OF STATE • FAIR PARK • APRIL 20, 8:00AM - 4:00PM**

Public concern with environmental protection and compliance with environmental laws are key factors that affect the decision-making and behavior of the nation’s business community. The Environmental Law & Policy Symposium—“Back to the Future!”—brings together leading legal scholars and subject matter experts from environmental organizations, business, academia, and the government for what is expected to be a lively discussion of fundamental issues with broad ramifications for those affected by and interested in sustainability and environmental law.

This symposium is a truly unique opportunity to hear a series of discussions of environmental thought leaders, with diverse perspectives, on legal issues relevant to charting a course for a future that is both protective and productive.

### About EarthX

**EarthX** is an international environmental nonprofit based in Texas dedicated to educating and inspiring action for a sustainable future.

Gathering concerned citizens, educators, businesses, nonprofits, and global leaders at the World’s Largest Environmental Experience, **EarthX** programs an exposition, a film festival, and conferences.

Register at <https://my.earthx.org/law>

For more information, contact Bruce Fogerty at [bruce.fogerty@earthx.org](mailto:bruce.fogerty@earthx.org)



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# LAW & POLICY SYMPOSIUM APRIL 20, 2018

Register at <https://my.earthx.org/law>

**Hotel Accommodations:** a preferred room rate of \$129/night (+taxes) has been secured at the **Hilton Anatole Hotel**.  
(Click on Hilton Anatole Hotel for preferred room rates.)

## AGENDA

**7:30 AM to 8:30 AM - Registration and Continental Breakfast**

**8:30 AM to 8:35 AM - Welcoming Remarks Jeff Civins, Haynes and Boone, LLP**

**8:35 AM to 8:45 AM - Opening Remarks, Ken Paxton, Texas Attorney General**

### SESSION 1 - 8:45 AM to 10:15 AM

#### THE FUTURE OF ENVIRONMENTAL REGULATION

A potpourri of hot issues that need to be addressed and ideas for doing so, e.g., waters of the US, cooperative federalism, the scope of agency authority, and public lands versus states' rights.

**Moderator:** James Morriss, Thompson & Knight LLP

**Keynote Speaker:** Matt Leopold, General Counsel, EPA

#### Panelists:

-Avi Garbow, Gibson, Dunn & Crutcher, formerly General Counsel of EPA

-Martha Landwehr, General Counsel, Texas Chemical Council

-David Yarnold, President and CEO of the National Audubon Society

-Debbra Mamula, Senior Policy Advisor, Office of the Lieutenant Governor of Texas

### BREAK - 10:15 AM to 10:30 AM

### SESSION 2 - 10:30 AM to 12:00 PM

#### THE FUTURE FOR SUSTAINABLE AND ETHICAL CORPORATE DECISION-MAKING

How can corporations insure their decision-making is ethical and sustainable?

**Moderators:** Jeff Civins, Haynes & Boone, LLP

#### Keynote Speakers:

-Susan Bodine, Assistant Administrator, Office of Enforcement and Compliance Assurance, EPA

#### Panelists:

-Bruno Sarda, Chief Sustainability Officer, NRG

-Charles De Monaco, Fox Rothchild

-Bob Perciasepe, President, Center for Climate and Energy Solutions

### LUNCH - 12:00 PM to 12:45 PM

### KEYNOTE ADDRESS - 12:15 PM to 12:45 PM

**Keynote Speaker:** Anne Idsal, EPA Regional Administrator, Region 6

### SESSION 3 - 12:45 PM to 2:15 PM

#### THE FUTURE OF DISASTER RESPONSE

Lessons learned from Hurricanes Harvey, Irma, Maria, and other natural disasters as to how we might better prepare and respond, focusing on environmental issues.

**Moderator:** Melinda Taylor, Associate Director, Kay Bailey Hutchison Center for Energy, Law & Business, University of Texas at Austin

#### Keynote Speakers:

-Katharine Hayhoe, Ph.D., Professor of Atmospheric Science, Texas Tech University

#### Panelists:

-Jim Blackburn, Professor Environmental Engineering Department, Rice University

-Mary Ellen Ternes, Earth & Water Law Group

-Rebecca Rubin, Founder, President, and CEO of Marstel-Day, LLC

-Congressman Carlos Curbelo, Co-founder of the Climate Caucus US Congress

### SESSION 4 - 2:15 PM to 3:45 PM

#### THE FUTURE OF DOMESTIC ENERGY PRODUCTION AFTER PARIS

How do we satisfy domestic energy needs while protecting against climate change in the absence of a strong federal commitment to greenhouse gas reductions.

**Moderator:** Suzanne Murray, Haynes and Boone, LLP

#### Keynote Speakers:

-Brian Wolf, Executive Vice President, Public Policy & External Affairs, Edison Electric Institute

-Greg Wetstone, President and Chief Executive Officer, American Council on Renewable Energy

#### Panelists:

-Mike Nasi, Jackson & Walker

-Jay Butera, Citizens' Climate Lobby

-Pam Giblin, Senior Advisor, Climate Leadership Council

### LEGAL SYMPOSIUM WRAP-UP - 3:45 PM to 4:00 PM

**Closing Remarks:** Jeff Civins, Haynes & Boone, LLP

### EarthX EXPO VIP TOUR - 4:00 PM to 4:45 PM

### COCKTAIL RECEPTION - 4:45 PM to 6:00 PM

**COST: \$225** Register at <https://my.earthx.org/law>

**Govt. Employees \$100 Law students \$25 Scholarships Available**

**6.5 Hours of CLE credit applied for, including 1.5 Hours for Ethics**

**For information email [bruce.fogerty@earthx.org](mailto:bruce.fogerty@earthx.org) or call 214 521 0237 ext 103**

Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 5/11/2018 7:57:02 PM  
**To:** Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]  
**Subject:** RE: my meeting with Kevin yielded some startling news

But are you worried that it will be more work for us, or are you feeling liberated ?

---

**From:** Ross, Margaret  
**Sent:** Friday, May 11, 2018 3:21 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; OGC Ethics <OGC\_Ethics@epa.gov>  
**Subject:** RE: my meeting with Kevin yielded some startling news

I'm thrilled! I mean sorry!

Margaret Ross | Ethics Officer | Office of General Counsel | US EPA | William Jefferson Clinton Federal Building Room 4310A North | Washington, DC 20460 (for ground deliveries: 20004) | phone 202-564-3221

---

**From:** Fugh, Justina  
**Sent:** Friday, May 11, 2018 3:01 PM  
**To:** OGC Ethics <[OGC\\_Ethics@epa.gov](mailto:OGC_Ethics@epa.gov)>  
**Subject:** my meeting with Kevin yielded some startling news

Hi there,

## Ex. 5 - Deliberative Process

Other notes:

- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**
- **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

Justina

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 4/13/2018 7:34:43 PM  
**To:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]; Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Leopold, Matt [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4e5cdf09a3924dada6d322c6794cc4fa-Leopold, Ma]  
**Subject:** RE: cancelled checks?

## Ex. 5 - Deliberative Process

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**From:** Wilcox, Jahan  
**Sent:** Friday, April 13, 2018 3:32 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** RE: cancelled checks?

## Ex. 5 - Deliberative Process

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**From:** Fugh, Justina  
**Sent:** Friday, April 13, 2018 3:28 PM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Subject:** cancelled checks?

Hi Jahan,  
Remember my message from yesterday? OGC would like to have a copy of the cancelled checks (for the lease), please.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Wilcox, Jahan  
**Sent:** Friday, April 13, 2018 3:26 PM  
**To:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Correct.

---

**From:** Keith, Jennie  
**Sent:** Friday, April 13, 2018 2:05 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,

I just want to confirm that this invitation is for you and it's only to attend a pre-reception (not the actual dinner).  
Correct?

Thanks!

Jennie for OGC/Ethics

---

**From:** Fugh, Justina

**Sent:** Friday, April 13, 2018 11:47 AM

**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>

**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>

**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,

Jennie Keith, copied here, reviews invitations. She'll get back to you.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Wilcox, Jahan

**Sent:** Friday, April 13, 2018 11:29 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Subject:** APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Justina –

Can I get an answer on if I can attend this event hosted by CBS News and Atlantic Media. Believe the bottom of the invitation says written ethics guidance can be requested at [reception@atlanticmedia.com](mailto:reception@atlanticmedia.com)

Jahan

---

**From:** Watson, Eleanor [<mailto:WatsonE@cbsnews.com>]

**Sent:** Friday, April 13, 2018 10:06 AM

**To:** Watson, Eleanor <[WatsonE@cbsnews.com](mailto:WatsonE@cbsnews.com)>

**Subject:** RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

David Rhodes  
PRESIDENT  
CBS NEWS

+

David Bradley  
CHAIRMAN AND CEO  
ATLANTIC MEDIA

cordially invite you to a **RECEPTION**

preceding the  
**WHITE HOUSE**  
CORRESPONDENTS'  
**DINNER**

Saturday, the 28th  
of April, 2018

AT 6:00 PM

Washington Hilton  
Courtyard & Gardens, Lobby Level  
1919 Connecticut Avenue, NW  
Washington, DC 20009

RSVP to Eleanor Watson  
at [WatsonE@cbsnews.com](mailto:WatsonE@cbsnews.com)

**RSVP REQUIRED IN ADVANCE**

This invitation is non-transferable  
and must be presented for admittance.

Note to Government Employees: A description of this event—written for government  
ethics office review—may be requested by writing to [reception@atlanticmedia.com](mailto:reception@atlanticmedia.com)

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 4/13/2018 7:33:11 PM  
**To:** Wilcox, Jahan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=88fd588e97d3405d869bcae98d391984-Wilcox, Jah]  
**Subject:** RE: cancelled checks?

Matt doesn't have them either.

---

**From:** Wilcox, Jahan  
**Sent:** Friday, April 13, 2018 3:32 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Jackson, Ryan <jackson.ryan@epa.gov>; Leopold, Matt <Leopold.Matt@epa.gov>  
**Subject:** RE: cancelled checks?

## Ex. 5 - Deliberative Process

---

**From:** Fugh, Justina  
**Sent:** Friday, April 13, 2018 3:28 PM  
**To:** Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** cancelled checks?

Hi Jahan,  
Remember my message from yesterday? OGC would like to have a copy of the cancelled checks (for the lease), please.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Wilcox, Jahan  
**Sent:** Friday, April 13, 2018 3:26 PM  
**To:** Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Correct.

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**From:** Keith, Jennie  
**Sent:** Friday, April 13, 2018 2:05 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>; Wilcox, Jahan <wilcox.jahan@epa.gov>  
**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,

I just want to confirm that this invitation is for you and it's only to attend a pre-reception (not the actual dinner).  
Correct?

Thanks!  
Jennie for OGC/Ethics

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**From:** Fugh, Justina  
**Sent:** Friday, April 13, 2018 11:47 AM  
**To:** Wilcox, Jahan <[wilcox.jahan@epa.gov](mailto:wilcox.jahan@epa.gov)>  
**Cc:** Keith, Jennie <[Keith.Jennie@epa.gov](mailto:Keith.Jennie@epa.gov)>  
**Subject:** RE: APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Hi Jahan,  
Jennie Keith, copied here, reviews invitations. She'll get back to you.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Wilcox, Jahan  
**Sent:** Friday, April 13, 2018 11:29 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** APPROVAL: RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception

Justina –

Can I get an answer on if I can attend this event hosted by CBS News and Atlantic Media. Believe the bottom of the invitation says written ethics guidance can be requested at [reception@atlanticmedia.com](mailto:reception@atlanticmedia.com)

Jahan

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**From:** Watson, Eleanor [<mailto:WatsonE@cbsnews.com>]  
**Sent:** Friday, April 13, 2018 10:06 AM  
**To:** Watson, Eleanor <[WatsonE@cbsnews.com](mailto:WatsonE@cbsnews.com)>  
**Subject:** RSVP - Invitation to CBS News' 2018 White House Correspondents' Dinner Reception



David Rhodes  
PRESIDENT  
CBS NEWS

+

David Bradley  
CHAIRMAN AND CEO  
ATLANTIC MEDIA

cordially invite you to a **RECEPTION**

preceding the  
**WHITE HOUSE**  
CORRESPONDENTS'  
**DINNER**

Saturday, the 28th  
of April, 2018

AT 6:00 PM

Washington Hilton  
Courtyard & Gardens, Lobby Level  
1919 Connecticut Avenue, NW  
Washington, DC 20009

RSVP to Eleanor Watson  
at [WatsonE@cbsnews.com](mailto:WatsonE@cbsnews.com)

**RSVP REQUIRED IN ADVANCE**

This invitation is non-transferable  
and must be presented for admittance.

Note to Government Employees: A description of this event—written for government  
ethics office review—may be requested by writing to [reception@atlanticmedia.com](mailto:reception@atlanticmedia.com)

**To:** Duross, Jeanne[Duross.Jeanne@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 3/6/2018 8:47:21 PM  
**Subject:** it's gearing up  
[GROUND RULES FOR POLITICAL EVENTS.doc](#)  
[HOW TO REVIEW POLITICAL INVITATIONS.doc](#)  
[HOW TO CALCULATE POLITICAL TRAVEL.doc](#)

Jeanne,

Ex. 5 - Deliberative Process

Set forth below is an invitation for Pruitt to go to the NRCC reception, so I've had to ask about the event. I've also attached the ground rules and guidance that I wrote and shared with the Administrator's office.

Ex. 5 - Deliberative Process

Review, think and then let's talk strategy!  
Justina

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**From:** Fugh, Justina  
**Sent:** Tuesday, March 06, 2018 3:44 PM  
**To:** 'afurciniti@NRCC.org' <afurciniti@NRCC.org>  
**Subject:** questions from US EPA's Ethics Office

Dear Ms. Furciniti,

My name is Justina Fugh, and I am the Senior Counsel for Ethics at the United States Environmental Protection Agency (EPA). I understand that your political organization wishes to invite E. Scott Pruitt, the EPA Administrator, to attend the Chairman's Reception of the National Republican Congressional Committee on March 20. As you know, Mr. Pruitt is a federal employee subject to the Hatch Act which places certain restrictions on his political activity. Among other things, he is not permitted to use his EPA official authority in connection with political activity, nor can he be engaged in any fundraising effort.

To determine the parameters for Mr. Pruitt's attendance, I am writing to ask you some questions about the event and to share with you the ground rules. Could you, please, review the attached ground rules and then consider and reply to the questions below?

You mention in your email that there will be donors present. Is this considered to be a fundraising event? Will the speakers (if any) ask for donations? Will there be a table or booth or other place set up for people to make donations? With respect to use of his title, is it your intention to have name tags available or used? Will Mr. Pruitt's name be used in any of the promotional materials?

We hope that will understand that our intention is to ensure that Mr. Pruitt is able to abide by the Hatch Act, and we will appreciate your assistance in ensuring that he does.

Thank you,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Ada Furciniti [mailto:afurciniti@NRCC.org]  
**Sent:** Wednesday, February 28, 2018 2:01 PM  
**To:** Ford, Hayley <ford.hayley@epa.gov>

**Cc:** Emma Nelson <enelson@NRCC.org>

**Subject:** Request for Administrator Pruitt to Attend NRCC Reception

Good afternoon Hayley –

The National Republican Congressional Committee would like to invite Administrator Pruitt to attend a reception on Tuesday, March 20<sup>th</sup>. The details of the event are below.

**NRCC Chairman's Reception**

Tuesday, March 20, 2018

4:15pm – 5:15pm

The Willard Offices, 12<sup>th</sup> Floor Terrace

1455 Pennsylvania Ave NW, Washington, DC

There will be between 150 and 200 attendees, including House Leadership, Members of Congress, and NRCC donors from Washington, DC and around the country who are members of our Chairman's Club. Brief remarks will be made by members of Leadership.

We would love it if Administrator Pruitt would join us to mix and mingle with attendees at this event!

Please let us know what else you need from us! Thank you!

**Ada Furciniti**

Finance Coordinator

National Republican Congressional Committee

W: (202) 479-7063 | C: Ex. 6 - Personal Privacy



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your political organization/campaign has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your political event. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. Our employee cannot use official EPA authority to further any political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval for our employee to participate.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you may distribute them so that our counsel can ensure compliance with federal rules.
- You cannot use or permit the use of our employee's EPA title or position. You cannot refer to his/her EPA position or title or affiliation in any way, including in any advertising or communication or any attempt to bolster attendance.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

**“POLITICAL” TRAVEL:  
HOW TO CALCULATE AND COLLECT PAYMENT  
ASSOCIATED WITH POLITICAL EVENTS**

Under the Hatch Act, 5 U.S.C. §§ 7321-7326, PAS appointees are permitted to participate in partisan political activity while on government time and in government facilities. However, they cannot use their EPA official authority, including titles, in connection with the political activity. They cannot fundraise and cannot directly solicit or discourage the political participation of any person who has business pending before EPA. They cannot direct subordinates to assist them nor can they accept the volunteer political activity services of subordinates. The Hatch Act prohibits use of federal appropriated dollars to pay for any travel costs associated with political activity. This guidance will help you to know what travel expenses EPA can – and cannot – cover.

Who is a PAS appointee?

EPA has 14 PAS positions, who are **Presidential Appointees** confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

What is “political” travel?

As a general rule, travel by senior Administration officials is considered “political” if the primary purpose involves their positions as leaders of their political party. Travel is considered “political” when the PAS appointee is appearing at partisan political events, including conferences, political party functions, campaigning for specific candidates or attending a fundraiser (though never with reference to official position). For the purposes of this guidance, “political travel” includes local trips and trips beyond the 50-mile duty station radius. EPA funds cannot be used to pay for political travel.

Who pays for political travel?

In all cases, political travel must be paid for by the political entity.

What is not “political” travel?

Speeches to groups in support of Administration positions, whether or not related to environmental subjects, are generally considered “official” in nature. A speech before a non-partisan group, such as a Chamber of Commerce, is not partisan or political in nature if it contains no express advocacy and no direction that a particular political party’s candidates should be supported in an election campaign.

To what extent can non-PAS staff assist the PASer with political activity and travel?

Only PAS appointees can engage in political activity during normal duty hours or on government premises.

The Hatch Act permits EPA staff to provide services to the PAS appointee only to the extent that those services are ordinarily provided by them as part of their official duties and only so long as the work is purely official and not political in any way. For example, a security detail may

accompany the Administrator, even to political event, so long as the detail is providing security and not actually participating in the political activity. EPA must pay the security detail's travel.

Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the PAS employee is engaged in political activity or a mix of official and political activity. EPA staff may also prepare briefing materials associated with official Administration activities as part of their government duties, even if such materials might be included in partisan statements.

EPA staff may not, however, use duty time to prepare materials that will be used solely for "political" purposes, such as platform materials or other statements of "political" advocacy, nor can they volunteer their off-duty time to assist any EPA PAS official. The Hatch Act prohibits PAS employees from accepting volunteer political services from subordinates.

Who determines whether a trip is "political" or "official" in nature?

OGC/Ethics makes this determination. Among the factors that OGC will take into consideration are: (1) the sponsor of the event, (2) the group or organization being addressed, (3) other participants, and (4) whether the speech is partisan and political in nature or whether it is a factual presentation or defense of the Administration's position on the issues.

Can a trip contain both "political" and "official" elements?

Yes, but OGC/Ethics must work with the PASer's staff to apportion the costs between EPA and the political sponsor. EPA travel funds CANNOT be used for political travel!

How does EPA apportion the costs of a trip?

When events involve a mix of political and official travel, then OGC/Ethics works with the PASer's travel staff to identify all travel costs and applies the following "hard-time formula" to determine which costs are associated with political activity and which costs are associated with official duty:

Time spent in official meetings, receptions, etc.	+	Time spent in political meetings, receptions, rallies	=	Total activity time
<u>Time spent in official activity</u>			=	Percentage of trip that is official
Total activity time				
<u>Time spent in political activity</u>			=	Percentage of trip that is political
Total activity time				

EXAMPLE: A PAS employee travels to Chicago and spends 3 hours on official business in the regional office, and then spends 2 hours on political activity. EPA should pay 3/5ths of the total cost of the trip while the political sponsor pays 2/5ths of the total costs.

NOTE: In a presidential election, however, then the campaign will pay for ALL of the costs using the “hypothetical” formula instead of the “hard time” formula.

#### HELPFUL HINTS:

- ⇒ Do not apply the “hard time” allocation to expenses that are solely one type or another.
  - An expense to rent a sound system for a political event must be paid in its entirety by the political sponsor. Similarly, a registration fee to attend a conference in official capacity must be paid in its entirety by the Agency.
- ⇒ In allocating costs other than air travel (e.g., lodging or per diem), use the government maximum for that type of expense.
  - If a mixed trip is 50% official and 50% political, and the government per diem rate is \$140, then the maximum per diem expense chargeable to the government is 50% of \$140, not 50% of the actual cost.
- ⇒ Any questions should be resolved in favor of charging EPA less and the political sponsor more.

#### What is the process for seeking and receiving payment from a political sponsor?

- 1) The PAS travel coordinator and/or administrative staff must consult OGC/Ethics to determine whether the trip is political, official or mixed. This determination must be made by OGC/Ethics in writing.
- 2) OGC/Ethics verifies with the scheduling staff and the political sponsor that the political sponsor understands it will be paying for all political travel. A copy of this correspondence must be included in the official travel record.
- 3) EPA makes all travel arrangements, prepares the travel authorization (TA), and arranges for EPA to pay the travel expenses. In this way, the Agency maintains control over the PAS appointee’s schedule and ensures that s/he is eligible for city pair fares and the government rate, and gets refundable tickets in the event of a change in reservations.

The TA must include a statement that the PAS appointee is traveling for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses. In this way, EPA’s Finance Center is alerted to the fact that it will pay the PAS appointee for the travel using EPA funds, but that EPA will obtain reimbursement from a third-party. When the payment arrives, EPA will be able to accept the money directly. It will not need to go to the US Treasury for miscellaneous receipts.

4) The PAS travel coordinator, the PAS scheduling staff and OGC/Ethics review the planned itinerary to identify all politically-related travel costs and to approximate the time spent in political activity. The PAS travel coordinator, in consultation with OGC/Ethics, prepares the travel record.

5) Upon return from the trip, the PAS employee provides all receipts to the PAS travel coordinator to prepare the travel voucher. The voucher must include a statement that the PAS employee traveled for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses.

6) OGC/Ethics calculates the political expenses. For mixed political and official trips, OGC/Ethics calculates the hard-time allocation. The PAS travel coordinator includes the completed “event worksheet” in the official travel record.

7) OGC/Ethics writes to the political sponsor for payment in the form of a check made out to US EPA. The check must be sent to the PAS travel coordinator. Upon receipt, the PAS travel coordinator verifies that the amount received is at least the same as the amount requested, then notifies OGC/Ethics that the reimbursement has arrived. The PAS travel coordinator writes the DCN number and TA number on the check and sends it to Finance so that the EPA travel budget can be reimbursed. A copy of the check must be included with the official travel record.



## HOW TO REVIEW POLITICAL INVITATIONS IN ACCORDANCE WITH THE HATCH ACT

The Hatch Act, 5 U.S.C. " 7321-7326, regulates the political activities of federal employees in the Executive Branch of the Federal government. A Political activity@ is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Under the Hatch Act, most employees cannot participate in partisan political activity while on government time and in government facilities. However, this rule is different for PAS employees. This guidance will help you to know what the PAS employees can B and cannot B do.

### Who is a PAS appointee?

EPA has 14 PAS positions, who are Presidential Appointees confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

### What are all employees prohibited from doing under the Hatch Act?

There are several things that no employee, including PASers, should do:

- (1) Don=t use your official authority or influence to interfere with or affect an election. Don=t use your official title while participating in political activity and don=t use your authority to coerce anyone to participate in political activity. Importantly, you can=t solicit, accept or receive uncompensated volunteer services from any subordinate for any political purpose;
- (2) Don=t fundraise, even in your private capacity. You can=t even let your name be used as the host of fundraiser. You can=t solicit political contributions in a speech or address at a fundraiser, and you can=t let your official title be used in connection with a fundraiser. You also can=t solicit, accept or receive volunteer services from an EPA subordinate;
- (3) Don=t run for partisan public office; and
- (4) Don=t solicit or discourage political activity from any person who is doing business with the Agency. This includes any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending in your office. It also includes any person who is the subject of an investigation, audit or enforcement action in your office. For PAS appointees, this description can include a lot of people!

### How are PASers special under the Hatch Act?

Unlike most employees, EPA=s fourteen PASers can participate in political activity while on duty, on government premises, in a government vehicle, and while wearing the EPA badge. But only they can do so and only with each other. The rest of the EPA employees, including Schedule Cs and non-career SESers cannot.

### The A Secret Service@ exception

In limited cases, the Hatch Act nevertheless allows staff to assist the PAS consistent with their official duty. For example, a security detail may accompany the Administrator, even to a political event, so long as they are providing security and not himself participating in the political activity. Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the Administrator is engaged in political activity or a mix of official and political activity.

But this exception should not be broadened to include speech writing or any Aextra@ voluntary service! The PAS appointee cannot ever accept the “volunteer services” of any EPA subordinate. In other words, no EPA employee can volunteer to help them with speechwriting for or assisting at the political event. If the PAS appointee needs help, then the Republican National Committee or another partisan entity can provide it.

### What happens if an EPA PAS is invited to a political event?

1) The Scheduling Staff for the PAS should **examine the invitation** to determine who issued the invitation to the PAS employee and whether it is indeed for a political event.

| Clues: is the invitation from a campaign committee to elect someone? Is the event called a Arally@ or a Afundraiser@ or does it use words like Aget out the vote?@

2) The Scheduling Staff should **send a copy of the invitation to OGC/Ethics** for review and confirmation as to whether it is indeed a political event.

3) If the event is political, then the Scheduling Staff must do the following:

\$ send the requestor the EPA=s Aground rules@ about political events

\$ ask questions about the event:

| who is the host of the event?

| are there any co-sponsors?

| where will the event be held?

| who are the anticipated invitees to the event?

| how many people are expected to attend?

| what is the anticipated role of the EPA PAS at the event?

\$ identify a contact person on the Scheduling Staff to work with OGC

\$ identify a contact person on the requestor=s staff to talk to OGC

\$ do not confirm attendance until the event is cleared, in writing (by email), by OGC

NOTE: An employee with Agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate so long as the group has not been specifically targeted as having matters before the employing office. 5 CFR 734.305.

| An example of a permitted activity: the Administrator may speak on behalf of a partisan candidate at a forum sponsored by the League of Women Voters that is

expected to have more than 100 people attend. However, he cannot use his official title and cannot solicit funds for the candidate in his speech. He also should not say that the candidate is endorsed by the US EPA.

| An example of a prohibited activity: the Administrator will not be permitted to speak at an event that is sponsored by an environmental law firm for its clients to be held in the law firm=s offices.

| OGC will examine closely where the event is to be held and the sponsors and hosts. Scrutiny will be applied to certain entities, including lobbying organizations, law firms, for-profit and not-for-profit entities that have an environmental focus, and trade associations.

4) If the event is cleared, then the Scheduling Staff can confirm attendance, subject to the EPA=s ground rules. The Scheduling Staff should now:

- \$ obtain a list of all of the invitees and send that list to OGC
- \$ obtain copies of all of the invitations and send to OGC for review of the format
- \$ talk to the PAS travel coordinator and OGC about payment for any political travel
- \$ reaffirm to the PAS that s/he cannot accept any volunteer services, including speeches
- \$ provide the PAS with the EPA=s ground rules as part of her/his briefing package



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your political organization/campaign has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your political event. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. Our employee cannot use official EPA authority to further any political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval for our employee to participate.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you may distribute them so that our counsel can ensure compliance with federal rules.
- You cannot use or permit the use of our employee's EPA title or position. You cannot refer to his/her EPA position or title or affiliation in any way, including in any advertising or communication or any attempt to bolster attendance.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

**To:** Keith, Jennie[Keith.Jennie@epa.gov]  
**Cc:** Kunding, Kelly[kunding.kelly@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Thur 3/22/2018 4:45:31 PM  
**Subject:** FW: Quick Call

Jennie –

This note confirms that I talked to Kelly earlier today. The Administrator will be in California and has accepted an invitation to speak at the Pacific Club on 3/27 in the morning. Kelly wanted to be sure that it was okay that the sponsor is charging \$25 for breakfast (it’s not a fundraiser). I asked if the Pacific Club’s membership is exclusionary (it’s apparently not), so said it’s okay that other people pay for their breakfast. The invitations don’t include the Administrator at all, apparently. There was no indication from Kelly that this is a political event.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Kunding, Kelly  
**Sent:** Thursday, March 22, 2018 8:41 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Quick Call

Good morning Justina –

Do you have time for a quick phone call this morning? If so, please let me know what time would work best for you.

Thanks!

Kelly Kunding  
Deputy Director of Scheduling and Advance  
[Kunding.Kelly@epa.gov](mailto:Kunding.Kelly@epa.gov)  
202-568-9879

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 2/14/2018 10:50:52 PM  
**To:** Jackson, Ryan [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38bc8e18791a47d88a279db2fec8bd60-Jackson, Ry]; Bowman, Liz [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c3d4d94d3e4b4b1f80904056703ebc80-Bowman, Eli]  
**CC:** Minoli, Kevin [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c9c0070d651a4625ac20258369f9b050-KMINOLI]  
**Subject:** RE: well, I have some better news now

It's was a limited one for Lee Forsgren during the hurricane in case he needed to talk to one of his former clients, a Native American tribe. He did not end up needing it.

---

**From:** Jackson, Ryan  
**Sent:** Wednesday, February 14, 2018 5:43 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: well, I have some better news now

I was only aware of two waivers for Jeff and Erik. Who's the third?

---

Ryan Jackson  
Chief of Staff  
U.S. EPA

Ex. 6 - Personal Privacy

On Feb 14, 2018, at 5:18 PM, Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)> wrote:

Adding Ryan

Sent from my iPhone

On Feb 14, 2018, at 5:10 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Just got off the phone with OGE's Acting Director and their press contact. They now agree that they need to post the third waiver, and will do so. Their numbers now match ours.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fugh, Justina  
**Sent:** Wednesday, February 14, 2018 1:45 PM  
**To:** Bowman, Liz <Bowman.Liz@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** I answered my phone ... (maybe I should stop doing that)

.... and twice it's been reporters wanting to know about ethics clearance of waivers for Mr. Pruitt's travel. They refer to a recent Washington Post article that quotes you as saying that "ethics officials cleared the travel" or something like that. Well, oops, I say, I don't think that Ms. Bowman meant to say that the *ethics* office cleared that because we are involved only if there is the offer of third party payment for travel. But I've been clear that I'm not saying that anyone *failed* to get ethics clearance; rather, that no ethics clearance was necessary because those trips appear to be using appropriated dollars, which is not an ethics issue.

Then I got a call from someone at ProPublica who wants to know why there appears to be a discrepancy between the number of approved waivers from the Trump pledge for EPA employees (we say we have 3) but OGE has posted only two. The OGE press person seemed stumped, so they called me. Yikes!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 2/14/2018 10:20:50 PM  
**Subject:** Liz called me and she's okay now

She was confusing the travel “waiver” with the Trump pledge waiver.

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**From:** Bowman, Liz  
**Sent:** Wednesday, February 14, 2018 5:17 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** Re: well, I have some better news now

I’m confused; Kevin/Justina can you call me?

Sent from my iPhone  
On Feb 14, 2018, at 5:10 PM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Just got off the phone with OGE’s Acting Director and their press contact. They now agree that they need to post the third waiver, and will do so. Their numbers now match ours.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fugh, Justina  
**Sent:** Wednesday, February 14, 2018 1:45 PM  
**To:** Bowman, Liz <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** I answered my phone ... (maybe I should stop doing that)

.... and twice it’s been reporters wanting to know about ethics clearance of waivers for Mr. Pruitt’s travel. They refer to a recent Washington Post article that quotes you as saying that “ethics officials cleared the travel” or something like that. Well, oops, I say, I don’t think that Ms. Bowman meant to say that the *ethics* office cleared that because we are involved only if there is the offer of third party payment for travel. But I’ve been clear that I’m not saying that anyone *failed* to get ethics clearance; rather, that no ethics clearance was necessary because those trips appear to be using appropriated dollars, which is not an ethics issue.

Then I got a call from someone at ProPublica who wants to know why there appears to be a discrepancy between the number of approved waivers from the Trump pledge for EPA employees (we say we have 3) but OGE has posted only two. The OGE press person seemed stumped, so they called me. Yikes!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772





**To:** Harlow, David[harlow.david@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 2/7/2018 1:18:09 AM  
**Subject:** RE: Meeting request

Wow, David, I am incredibly impressed that you were able to type such a cogent message on your iphone! I could not do that AT ALL, which is why I often use a Bluetooth keyboard to help me. Please tell me you did that too, or else I will go home and feel desperately inadequate about my typing skills!

I am intrigued by your observation about *how* the ethics pledge provision came to be. In the 9 years that I've had to worry about that "former employer/former client" restriction, I haven't ever looked at it that way, as the inverse of the post-employment restrictions. Rather, I think of it as the impartiality standards on steroids. Federal ethics regulations at 5 CFR Part 2635, Subpart E describe certain "covered relationships" that need to be considered before employees can participate in specific party matters. The ethics pledge expands the "cooling off" period for former clients and former employers from one year to two, starts the cooling-off period later in time (from when you start in federal service, not when you last provided the service), and expands (in a truly confounding way) the definition of "specific party matter" to include any meeting or other communication with the former employer or former client unless the subject matter is a matter of general applicability and open to all interested parties. Then the Office of Governmental Ethics barges in to define "all interested parties" to mean, uh, at least five that shall include a "multiplicity of parties." OGE DO-09-011 (March 26, 2009).

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Harlow, David  
**Sent:** Tuesday, February 06, 2018 7:57 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Meeting request

Heh-heh. I can feel for you!

But (some) kidding aside, I've come to think that a big part of why it is so difficult to think through the ethics pledge is that, from what I can discern -- or think I discern, anyhow -- is that preexisting provisions that were intended to apply (in my understanding at least), in the first instance, to the situation where a former government employee has left government service and is now trying to leverage his or her "influence" back to the government on behalf of private party clients or whatnot, are now being applied to the obverse situation: i.e., someone comes into government service from the private sector.

It's not clear to me that simply flipping around the language and concepts really works, since different ethical values are in play. That is, there are still ethical values to be preserved, yes, but figuring out exactly what ethical value a particular provision of the Trump pledge is intended to vindicate is difficult in certain situations because of this anomalous construction.

In my experience, for what it's worth, trying to have statutory or regulatory language serve "double duty," or work both backwards and forwards, as it were, is rarely a good idea and almost never works well.

I do appreciate your thoughtful reply.

Sent from my iPhone  
On Feb 6, 2018, at 5:46 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Ah, well, judicious neglect on my part has paid off again.

But, to answer your question (finally), AF&PA and the American Wood Council (AWC) are not your former clients, so you don't have to worry about paragraph 6 of the pledge. As you surmise, the pledge covers your former employer (the firm itself) and the former clients to whom you personally provided legal services, not to the firm's other clients.

I have no concerns about your attending the event that is co-sponsored by AF&PA and AWC. To be clear, though, the event itself could be a specific party matter. Let's say, for example, that Hunton & Williams sponsors a conference or seminar and invites you to be a speaker. We will not allow you to attend that conference because it is solely sponsored by your former employer which makes the conference itself – irrespective of the subject matter of your speech – a specific party matter. What would be different is if the ABA were sponsoring a conference, and they invited you to speak on a panel on an environmental topic. Now we have no problem with the sponsor, but we will want to know who are the other speakers on the panel. If one of the panelists is a Hunton & Williams lawyer or a representative of a former client, then we may again raise concerns under the pledge. In this example, the panel discussion becomes the specific party matter for pledge purposes, again irrespective of the subject matter of the presentation.

Isn't this fun?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Harlow, David  
**Sent:** Monday, February 05, 2018 4:41 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Meeting request

Justina,

Doubling back on this, fyi, I just learned from the AF&PA rep who is hosting the aforementioned March 1 meeting that as many as a dozen individual company representatives (which companies are not Hunton clients) will also be in attendance. So I think the question I posed to you, in this instance, has been rendered more or less "moot."

David S. Harlow  
Senior Counsel  
Immediate Office of the Assistant Administrator  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

**From:** Harlow, David  
**Sent:** Tuesday, January 30, 2018 12:15 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Meeting request

Justina,

I would appreciate your providing me guidance on the permissibility, under the Trump Ethics Pledge, of my participating in an event to which I have been invited to speak. The particulars:

1. The request comes to me from the American Forest & Paper Association (AF&PA) and the American Wood Council. I have been invited to speak – an informal panel discussion type event, rather than a formal speech/address – at this gathering on March 1. At issue would be matters of general applicability – specifically, EPA’s ongoing “NSR reform” efforts.
2. AF&PA is a client of my former firm, Hunton & Williams. At least, it was when I was employed by Hunton, and I assume it remains so.
3. However, I do not think that AF&PA is a “former client” of *mine* specifically, given the ethics pledge’s definition.

Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee’s former employer to whom the appointee did not personally provide services.

I did not, “within the 2 years prior” to the date of my joining EPA ever “serve[] personally as ... attorney” to AF&PA nor “personally provide services.” That is, I did not during that time record/bill any time to AF&PA.

4. On the other hand, since AF&PA was/is a client of Hunton, I’m thinking that the definition of “particular matter involving specific parties,” as the ethics pledge (although not the underlying statutory and regulatory definitions of that phrase from which the ethic pledge’s draws) may trigger the “1+4” rule, or whatever the requirement is considered to be nowadays. I don’t think that that anyone other than AF&PA and the American Wood Council will be participating. So, under one reading of the ethics pledge, I would be precluded from participating. If so, that strikes me as a somewhat curious outcome, but if that’s how the pledge is being construed, so be it.

Your thoughts?

David S. Harlow  
Senior Counsel

Immediate Office of the Assistant Administrator  
Office of Air and Radiation, USEPA  
WJC-N Room 5409K  
1200 Pennsylvania Avenue NW  
Washington, DC 20460  
202-564-1233  
[Harlow.David@epa.gov](mailto:Harlow.David@epa.gov)

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 2/6/2018 3:45:17 PM  
**To:** Dravis, Samantha [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ece53f0610054e669d9dffe0b3a842df-Dravis, Sam]  
**Subject:** RE: Invitation to speak at International Bar Association Conference April 9

Any amount will certainly help your travel budget bottom line!

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**From:** Dravis, Samantha  
**Sent:** Tuesday, February 06, 2018 10:30 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Re: Invitation to speak at International Bar Association Conference April 9

Ok, I really appreciate that. If we are allowed to accept the travel costs and report it I think that option would be good.

Sent from my iPad

On Feb 6, 2018, at 10:24 AM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Samantha,  
So the invitation from Roger Martella (on behalf of IBA, not GE) did not explicitly offer travel expenses. I did not solicit a gift of travel on your behalf at all, but just tried to ascertain whether the invitation included an offer of travel resources. Roger indicated that IBA does have some resources available to defray travel costs, so if you are inclined to accept this offer, I can work with him to figure out what IBA will cover.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308  
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004  
for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Dravis, Samantha  
**Sent:** Monday, February 05, 2018 11:44 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Cc:** Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>  
**Subject:** Re: Invitation to speak at International Bar Association Conference April 9

Yes, thank you for asking him Justina!

It wasn't clear to me if they were able to pay for it or not. Thanks again!

Sent from my iPad

On Feb 5, 2018, at 11:43 AM, Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)> wrote:

Hi Samantha,

Oh, what a joy to hear from you and Roger Martella, my former boss, in the same message! From a federal ethics perspective, I don't have any objections. It's really up to you and your supervisor as to whether or not it's consistent with official duties (but, in my opinion, it's fine). As for using EPA funds to pay for the trip, you'll need to figure out if your budget can sustain that. Certainly, from my perspective, I don't have any objection to using EPA appropriated dollars to pay for official EPA travel. Just remember, though, that this is an international event, so you'll need to work with OITA to get the appropriate country clearance (which takes about 6 weeks lead time).

While you can't solicit the gift of travel, it would okay for me to ask Roger to clarify *whether* the IBA or GE is offering to pay for your travel. If so, then OGC/Ethics will be able to accept that gift on behalf of EPA. So, if you have no objection, I'll ask Roger that question, okay?

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Dravis, Samantha

**Sent:** Monday, February 05, 2018 11:14 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Leopold, Matt <[Leopold.Matt@epa.gov](mailto:Leopold.Matt@epa.gov)>

**Subject:** Re: Invitation to speak at International Bar Association Conference April 9

Hi Justina,

Just circling back on this to find out what the parameters of my participation might be or what other information I can provide to get this approved - thank you!

Sent from my iPad

On Feb 1, 2018, at 11:11 AM, Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)> wrote:

Hi Justina,

I would like to accept this invitation to speak at the IBA conference in Lisbon. Could I run the traps with you on whether/how to do so compliantly?

Roger does not necessarily say if GE is offering to pay for the cost of my attendance, is this something that the agency could cover in terms of travel costs?

Thanks in advance.

(Robin, if you could place a hold on my calendar for this pending ethics approval I would appreciate it)

Best,  
Samantha

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**From:** Martella, Roger(GE Corporate) [<mailto:Roger.Martella@ge.com>]  
**Sent:** Thursday, February 01, 2018 11:01 AM  
**To:** Dravis, Samantha <[dravis.samantha@epa.gov](mailto:dravis.samantha@epa.gov)>  
**Subject:** Invitation to speak at International Bar Association Conference April 9

**Hi Samantha—I have the honor of co-chairing the IBA's bi-annual environmental conference this year in Lisbon. The theme of the conference is transformation and disruption in the energy, manufacturing, and transportation space. I would like to invite you to join the kick-off panel to set the stage for the rest of the conference by introducing these themes. I am particularly happy about the fact that, with the exception of me moderating, this panel will be comprised of all women speakers. Thank you for considering this and please let me know if you have any questions or would like to discuss. Thank you --**  
**Roger**

\*\*\*

**The rapid tide of transformation and disruption in energy, transportation, and industrial activity: How technology is fundamentally changing the way the world does business, and how lawyers can keep up with these trends and be prepared to face new challenges and opportunities.**

We are on the cusp of radical break through advances in software, robotics, automation and data in the energy, infrastructure, transportation, mining and manufacturing sectors that will not only dramatically transform our economy, but also disrupt the way we work, plan urban spaces, move around cities, produce and consume goods, and power our homes. As these disruptive and innovative technologies rapidly penetrate key industries, the businesses that have been leaders in these sectors will need to be at the leading edge of such change or be disrupted by transformative new companies. These changes will impact the lawyers who work in these sectors as well, as both the underlying businesses and the regulatory regimes fundamentally transform to keep pace with such change.



This opening panel will introduce the broader theme of the conference and set the context for ongoing transformation trends and the key drivers behind them. It will bring leaders from the private sector, business, academia, government and nonprofits together to explore how these transformations are impacting the legal practice, and how lawyers can be prepared to best advise their clients, embrace new opportunities, and leverage this movement to steer the legal practice in the right direction.

Moderators:

Roger Martella, General Counsel, Global EHS, General Electric Company  
(Boston, MA)

Angeles Murgies, Brons & Salas, Buenos Aires

Speakers (invited)

Marisa Buchanan, Vice President, JPMC, New York City

Samantha Dravis, Associate Administrator for Policy, US EPA  
(Washington, DC)

Florencia Heredia, Allende & Brea (Buenos Aires)

Maria Pica Karp, Vice President, Government Affairs, Chevron  
(Washington, DC)

Filipa Rio (Brussels), FTI Consulting

Kathryn Thomson, Vice President, Transportation & Logistics, Amazon  
(Seattle, Washington)

To: Ford, Hayley[ford.hayley@epa.gov]  
Cc: Jackson, Ryan[jackson.ryan@epa.gov]; Duross, Jeanne[Duross.Jeanne@epa.gov]  
From: Fugh, Justina  
Sent: Mon 3/19/2018 9:28:44 PM  
Subject: FW: Ethics Approval: Events with VPOTUS  
A1A ATLANTA Roundtable SP 03 23 18.docx  
Georgia GOP.DOCX  
2018-03-23 VP Event Proposal Atlanta, GA.DOCX  
GROUND RULES FOR POLITICAL EVENTS.doc  
HOW TO CALCULATE POLITICAL TRAVEL.doc  
HOW TO REVIEW POLITICAL INVITATIONS.doc

Hi Hayley,

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The rules for Mr. Pruitt are very different than those for the Vice President, who is not subject to the Hatch Act. For Mr. Pruitt to attend, he must do so only in his personal capacity, and the organization cannot refer to him in any way with reference to his official title or position. He cannot be introduced or appear on any brochure or email as the EPA Administrator.

Please see my comments on the email you sent. I’ve copied Jeanne Duross, an ethics attorney, for her information as she is picking up Hatch Act as an area of specialty in our group. I’ve attached the Hatch Act ground rules and other documents prepared by OGC/Ethics as a reminder to us all.

YOU WROTE: The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events (“2018-03-23 VP Event Proposal Atlanta, GA”) is an official tax reform event with no political or fundraising component.

JUSTINA:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

JUSTINA: If he attends, it must be in his personal capacity only and absolutely cannot solicit, accept or receive any political contributions or engage in fundraising. Does he still want to attend? Let’s coordinate so that I know when OGC/Ethics should write to Ann Pierce (America First Roundtable) and Carmen Bergman (Georgia Republican Party) with the Hatch Act ground rules.

The information below will be helpful in reviewing:

- Costs:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

JUSTINA:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process
- Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

JUSTINA:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

- America First Action Roundtable: Small event, no formal speaking portion.
- Georgia Republican Party Dinner: Large dinner, have offered a speaking role if he’d like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he’s cleared to, that he will want to speak).

JUSTINA: He cannot use his EPA position, title or authority in connection with the political activity. The GA GOP needs to get our ground rules so that we can see who is being invited because he can’t encourage or discourage the political

activity of people directly regulated by EPA or use his EPA official title/authority in connection with the activity. And he can't ask for money at all.

- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

JUSTINA: Let's coordinate.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Ford, Hayley

**Sent:** Thursday, March 15, 2018 6:23 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>

**Subject:** Ethics Approval: Events with VPOTUS

Justina,

The Administrator has been invited to travel to Atlanta next Friday with the Vice President on Air Force 2 and attend the 3 attached events. One of the events ("2018-03-23 VP Event Proposal Atlanta, GA") is an official tax reform event with no political or fundraising component. The other 2 events attached (America First Action Roundtable & Georgia Republican Party dinner) are political events and I assume he would need to attend in his personal capacity. Can you review and give your guidance? If given clearance, he will attend these events.

The information below will be helpful in reviewing:

- **Costs:** **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

- **America First Action Roundtable:** Small event, no formal speaking portion.
- **Georgia Republican Party Dinner:** Large dinner, have offered a speaking role if he'd like one (very brief). If you could provide guidance both on him speaking vs. not speaking (would assume if he's cleared to, that he will want to speak).
- **POCs:** If you need to reach out to the event organizers, they are listed on the attached forms. **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

Thank you!

*Hayley Ford*

Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency

[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: 202-306-1296



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your political organization/campaign has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your political event. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. Our employee cannot use official EPA authority to further any political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval for our employee to participate.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you may distribute them so that our counsel can ensure compliance with federal rules.
- You cannot use or permit the use of our employee's EPA title or position. You cannot refer to his/her EPA position or title or affiliation in any way, including in any advertising or communication or any attempt to bolster attendance.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

**“POLITICAL” TRAVEL:  
HOW TO CALCULATE AND COLLECT PAYMENT  
ASSOCIATED WITH POLITICAL EVENTS**

Under the Hatch Act, 5 U.S.C. §§ 7321-7326, PAS appointees are permitted to participate in partisan political activity while on government time and in government facilities. However, they cannot use their EPA official authority, including titles, in connection with the political activity. They cannot fundraise and cannot directly solicit or discourage the political participation of any person who has business pending before EPA. They cannot direct subordinates to assist them nor can they accept the volunteer political activity services of subordinates. The Hatch Act prohibits use of federal appropriated dollars to pay for any travel costs associated with political activity. This guidance will help you to know what travel expenses EPA can – and cannot – cover.

Who is a PAS appointee?

EPA has 14 PAS positions, who are **Presidential Appointees** confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

What is “political” travel?

As a general rule, travel by senior Administration officials is considered “political” if the primary purpose involves their positions as leaders of their political party. Travel is considered “political” when the PAS appointee is appearing at partisan political events, including conferences, political party functions, campaigning for specific candidates or attending a fundraiser (though never with reference to official position). For the purposes of this guidance, “political travel” includes local trips and trips beyond the 50-mile duty station radius. EPA funds cannot be used to pay for political travel.

Who pays for political travel?

In all cases, political travel must be paid for by the political entity.

What is not “political” travel?

Speeches to groups in support of Administration positions, whether or not related to environmental subjects, are generally considered “official” in nature. A speech before a non-partisan group, such as a Chamber of Commerce, is not partisan or political in nature if it contains no express advocacy and no direction that a particular political party’s candidates should be supported in an election campaign.

To what extent can non-PAS staff assist the PASer with political activity and travel?

Only PAS appointees can engage in political activity during normal duty hours or on government premises.

The Hatch Act permits EPA staff to provide services to the PAS appointee only to the extent that those services are ordinarily provided by them as part of their official duties and only so long as the work is purely official and not political in any way. For example, a security detail may

accompany the Administrator, even to political event, so long as the detail is providing security and not actually participating in the political activity. EPA must pay the security detail's travel.

Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the PAS employee is engaged in political activity or a mix of official and political activity. EPA staff may also prepare briefing materials associated with official Administration activities as part of their government duties, even if such materials might be included in partisan statements.

EPA staff may not, however, use duty time to prepare materials that will be used solely for "political" purposes, such as platform materials or other statements of "political" advocacy, nor can they volunteer their off-duty time to assist any EPA PAS official. The Hatch Act prohibits PAS employees from accepting volunteer political services from subordinates.

Who determines whether a trip is "political" or "official" in nature?

OGC/Ethics makes this determination. Among the factors that OGC will take into consideration are: (1) the sponsor of the event, (2) the group or organization being addressed, (3) other participants, and (4) whether the speech is partisan and political in nature or whether it is a factual presentation or defense of the Administration's position on the issues.

Can a trip contain both "political" and "official" elements?

Yes, but OGC/Ethics must work with the PASer's staff to apportion the costs between EPA and the political sponsor. EPA travel funds CANNOT be used for political travel!

How does EPA apportion the costs of a trip?

When events involve a mix of political and official travel, then OGC/Ethics works with the PASer's travel staff to identify all travel costs and applies the following "hard-time formula" to determine which costs are associated with political activity and which costs are associated with official duty:

Time spent in official meetings, receptions, etc.	+	Time spent in political meetings, receptions, rallies	=	Total activity time
<u>Time spent in official activity</u>			=	Percentage of trip that is official
Total activity time				
<u>Time spent in political activity</u>			=	Percentage of trip that is political
Total activity time				

EXAMPLE: A PAS employee travels to Chicago and spends 3 hours on official business in the regional office, and then spends 2 hours on political activity. EPA should pay 3/5ths of the total cost of the trip while the political sponsor pays 2/5ths of the total costs.

NOTE: In a presidential election, however, then the campaign will pay for ALL of the costs using the “hypothetical” formula instead of the “hard time” formula.

#### HELPFUL HINTS:

- ⇒ Do not apply the “hard time” allocation to expenses that are solely one type or another.
  - An expense to rent a sound system for a political event must be paid in its entirety by the political sponsor. Similarly, a registration fee to attend a conference in official capacity must be paid in its entirety by the Agency.
- ⇒ In allocating costs other than air travel (e.g., lodging or per diem), use the government maximum for that type of expense.
  - If a mixed trip is 50% official and 50% political, and the government per diem rate is \$140, then the maximum per diem expense chargeable to the government is 50% of \$140, not 50% of the actual cost.
- ⇒ Any questions should be resolved in favor of charging EPA less and the political sponsor more.

#### What is the process for seeking and receiving payment from a political sponsor?

- 1) The PAS travel coordinator and/or administrative staff must consult OGC/Ethics to determine whether the trip is political, official or mixed. This determination must be made by OGC/Ethics in writing.
- 2) OGC/Ethics verifies with the scheduling staff and the political sponsor that the political sponsor understands it will be paying for all political travel. A copy of this correspondence must be included in the official travel record.
- 3) EPA makes all travel arrangements, prepares the travel authorization (TA), and arranges for EPA to pay the travel expenses. In this way, the Agency maintains control over the PAS appointee’s schedule and ensures that s/he is eligible for city pair fares and the government rate, and gets refundable tickets in the event of a change in reservations.

The TA must include a statement that the PAS appointee is traveling for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses. In this way, EPA’s Finance Center is alerted to the fact that it will pay the PAS appointee for the travel using EPA funds, but that EPA will obtain reimbursement from a third-party. When the payment arrives, EPA will be able to accept the money directly. It will not need to go to the US Treasury for miscellaneous receipts.

4) The PAS travel coordinator, the PAS scheduling staff and OGC/Ethics review the planned itinerary to identify all politically-related travel costs and to approximate the time spent in political activity. The PAS travel coordinator, in consultation with OGC/Ethics, prepares the travel record.

5) Upon return from the trip, the PAS employee provides all receipts to the PAS travel coordinator to prepare the travel voucher. The voucher must include a statement that the PAS employee traveled for a political purpose or a mixed political purpose and that the political sponsor will be paying for all political travel expenses.

6) OGC/Ethics calculates the political expenses. For mixed political and official trips, OGC/Ethics calculates the hard-time allocation. The PAS travel coordinator includes the completed “event worksheet” in the official travel record.

7) OGC/Ethics writes to the political sponsor for payment in the form of a check made out to US EPA. The check must be sent to the PAS travel coordinator. Upon receipt, the PAS travel coordinator verifies that the amount received is at least the same as the amount requested, then notifies OGC/Ethics that the reimbursement has arrived. The PAS travel coordinator writes the DCN number and TA number on the check and sends it to Finance so that the EPA travel budget can be reimbursed. A copy of the check must be included with the official travel record.



## HOW TO REVIEW POLITICAL INVITATIONS IN ACCORDANCE WITH THE HATCH ACT

The Hatch Act, 5 U.S.C. " 7321-7326, regulates the political activities of federal employees in the Executive Branch of the Federal government. A Political activity@ is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Under the Hatch Act, most employees cannot participate in partisan political activity while on government time and in government facilities. However, this rule is different for PAS employees. This guidance will help you to know what the PAS employees can B and cannot B do.

### Who is a PAS appointee?

EPA has 14 PAS positions, who are Presidential Appointees confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

### What are all employees prohibited from doing under the Hatch Act?

There are several things that no employee, including PASers, should do:

- (1) Don=t use your official authority or influence to interfere with or affect an election. Don=t use your official title while participating in political activity and don=t use your authority to coerce anyone to participate in political activity. Importantly, you can=t solicit, accept or receive uncompensated volunteer services from any subordinate for any political purpose;
- (2) Don=t fundraise, even in your private capacity. You can=t even let your name be used as the host of fundraiser. You can=t solicit political contributions in a speech or address at a fundraiser, and you can=t let your official title be used in connection with a fundraiser. You also can=t solicit, accept or receive volunteer services from an EPA subordinate;
- (3) Don=t run for partisan public office; and
- (4) Don=t solicit or discourage political activity from any person who is doing business with the Agency. This includes any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending in your office. It also includes any person who is the subject of an investigation, audit or enforcement action in your office. For PAS appointees, this description can include a lot of people!

### How are PASers special under the Hatch Act?

Unlike most employees, EPA=s fourteen PASers can participate in political activity while on duty, on government premises, in a government vehicle, and while wearing the EPA badge. But only they can do so and only with each other. The rest of the EPA employees, including Schedule Cs and non-career SESers cannot.

### The A Secret Service@ exception

In limited cases, the Hatch Act nevertheless allows staff to assist the PAS consistent with their official duty. For example, a security detail may accompany the Administrator, even to a political event, so long as they are providing security and not himself participating in the political activity. Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the Administrator is engaged in political activity or a mix of official and political activity.

But this exception should not be broadened to include speech writing or any Aextra@ voluntary service! The PAS appointee cannot ever accept the “volunteer services” of any EPA subordinate. In other words, no EPA employee can volunteer to help them with speechwriting for or assisting at the political event. If the PAS appointee needs help, then the Republican National Committee or another partisan entity can provide it.

### What happens if an EPA PAS is invited to a political event?

1) The Scheduling Staff for the PAS should **examine the invitation** to determine who issued the invitation to the PAS employee and whether it is indeed for a political event.

| Clues: is the invitation from a campaign committee to elect someone? Is the event called a Arally@ or a Afundraiser@ or does it use words like Aget out the vote?@

2) The Scheduling Staff should **send a copy of the invitation to OGC/Ethics** for review and confirmation as to whether it is indeed a political event.

3) If the event is political, then the Scheduling Staff must do the following:

\$ send the requestor the EPA=s Aground rules@ about political events

\$ ask questions about the event:

| who is the host of the event?

| are there any co-sponsors?

| where will the event be held?

| who are the anticipated invitees to the event?

| how many people are expected to attend?

| what is the anticipated role of the EPA PAS at the event?

\$ identify a contact person on the Scheduling Staff to work with OGC

\$ identify a contact person on the requestor=s staff to talk to OGC

\$ do not confirm attendance until the event is cleared, in writing (by email), by OGC

NOTE: An employee with Agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate so long as the group has not been specifically targeted as having matters before the employing office. 5 CFR 734.305.

| An example of a permitted activity: the Administrator may speak on behalf of a partisan candidate at a forum sponsored by the League of Women Voters that is

expected to have more than 100 people attend. However, he cannot use his official title and cannot solicit funds for the candidate in his speech. He also should not say that the candidate is endorsed by the US EPA.

| An example of a prohibited activity: the Administrator will not be permitted to speak at an event that is sponsored by an environmental law firm for its clients to be held in the law firm=s offices.

| OGC will examine closely where the event is to be held and the sponsors and hosts. Scrutiny will be applied to certain entities, including lobbying organizations, law firms, for-profit and not-for-profit entities that have an environmental focus, and trade associations.

4) If the event is cleared, then the Scheduling Staff can confirm attendance, subject to the EPA=s ground rules. The Scheduling Staff should now:

- \$ obtain a list of all of the invitees and send that list to OGC
- \$ obtain copies of all of the invitations and send to OGC for review of the format
- \$ talk to the PAS travel coordinator and OGC about payment for any political travel
- \$ reaffirm to the PAS that s/he cannot accept any volunteer services, including speeches
- \$ provide the PAS with the EPA=s ground rules as part of her/his briefing package



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
Washington, D.C. 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your political organization/campaign has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your political event. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. Our employee cannot use official EPA authority to further any political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval for our employee to participate.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you may distribute them so that our counsel can ensure compliance with federal rules.
- You cannot use or permit the use of our employee's EPA title or position. You cannot refer to his/her EPA position or title or affiliation in any way, including in any advertising or communication or any attempt to bolster attendance.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

**To:** Keith, Jennie[Keith.Jennie@epa.gov]  
**From:** ethics  
**Sent:** Mon 1/22/2018 9:49:39 PM  
**Subject:** FW: 1/22 Alaska Day Event  
[110717 Alaska Day Abstract.pdf](#)  
[110717 EPA Pruitt Invite.pdf](#)  
[Draft agend 011618.pdf](#)

Did you see this? I didn't.

---

**From:** Shimmin, Kaitlyn  
**Sent:** Friday, January 19, 2018 3:51 PM  
**To:** ethics <ethics@epa.gov>  
**Subject:** FW: 1/22 Alaska Day Event

Hi Ethics folks, sorry for the late notice on this (although I hope that you have already seen this invitation via Lee Foresgren's office).

Ex. 5 - Deliberative Process

Could we please get a determination.

Thank you,

**Kaitlyn Shimmin**  
*Special Assistant Congressional and Intergovernmental Affairs*  
*Office of the Administrator*  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Washington, D.C. 20460  
O: (202) 564-4108  
C: (202) 760-0546  
[Shimmin.Kaitlyn@epa.gov](mailto:Shimmin.Kaitlyn@epa.gov)

---

**From:** Mayer, Lauren  
**Sent:** Tuesday, January 16, 2018 2:47 PM  
**To:** Shimmin, Kaitlyn <[shimmin.kaitlyn@epa.gov](mailto:shimmin.kaitlyn@epa.gov)>  
**Subject:** RE: Alaska Day Event

Hi Kaitlyn,

Ex. 5 - Deliberative Process

Attached is the content originally for Administrator Pruitt. We are still working on getting more information so please let me know if you have any questions.

Best,  
Lauren

---

**From:** Shimmin, Kaitlyn  
**Sent:** Tuesday, January 16, 2018 2:40 PM  
**To:** Mayer, Lauren <[mayer.lauren@epa.gov](mailto:mayer.lauren@epa.gov)>  
**Subject:** RE: Alaska Day Event

I don't see it on his calendar. Can you please send me more details?

**Kaitlyn Shimmin***Special Assistant Congressional and Intergovernmental Affairs**Office of the Administrator*

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., N.W.

Washington, D.C. 20460

O: (202) 564-4108

C: (202) 760-0546

[Shimmin.Kaitlyn@epa.gov](mailto:Shimmin.Kaitlyn@epa.gov)

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**From:** Mayer, Lauren**Sent:** Tuesday, January 16, 2018 2:39 PM**To:** Shimmin, Kaitlyn <[shimmin.kaitlyn@epa.gov](mailto:shimmin.kaitlyn@epa.gov)>**Subject:** Alaska Day Event

Hi Kaitlyn,

I was wondering if Troy Lyons is planning on attending the Alaska Day event in DC on 1/22. Please let me know and thanks so much!

-Lauren

Lauren Mayer

ORISE Participant

Office of Water

U.S. Environmental Protection Agency

Phone: 202-564-0408

[Mayer.Lauren@epa.gov](mailto:Mayer.Lauren@epa.gov)

**Challenges at America's Northernmost Border**  
**Critical Investment Decisions for National Security, Energy, Transportation, and**  
**Communities.**

A High-Level Briefing

January 22, 2018 | 9am-4pm | Washington, D.C.

**Overview**

The Alaska Federation of Natives is pleased to present a high-level interagency conference, Challenges at America's Northernmost Border, co-hosted by Alaska's Congressional Delegation, Alaska Governor Bill Walker, Alaska Lieutenant Governor Byron Mallott, and Secretary of the Interior Ryan Zinke at the Department of Interior headquarters on January 22, 2018. A special reception will follow in room 366 Dirksen Senate Office Building from 5-7pm.

Secretary Ryan Zinke will be joined by other cabinet officials to share priorities in addressing time sensitive and growing challenges at America's northernmost border and only footprint in the Arctic. Now, more than ever, Alaska's strategic significance as the nation's northern landmass and power center presents both opportunities and risks that demand immediate attention and prompt action.

Alaska is unique in its geopolitical importance with regard to national security, energy, transportation and the economy. This high-level briefing is focused on concrete steps that can be taken in 2018 to turn knowledge into action, support interagency cooperation and produce results. There will be opportunities to identify strategies and action steps throughout. Presenters will include Administration and military leadership, as well as State of Alaska and Alaska Native leaders.

**Hosted by:** Alaska Federation of Natives, together with U.S. Secretary of Interior Ryan Zinke

**Co-Hosts:**

U.S. Senator Lisa Murkowski

U.S. Senator Dan Sullivan

U.S. Representative Don Young

Alaska Governor Bill Walker

Alaska Lieutenant Governor Byron Mallott

**Cabinet Level Speakers:**

U.S. Secretary of Interior Ryan Zinke

U.S. Secretary of Transportation Elaine Chao (invited)

U.S. Secretary of Energy Rick Perry (invited)

U.S. Secretary of Defense James Mattis (invited)

U.S. Secretary of Commerce Wilbur Ross (invited)  
SBA Administrator Linda McMahon (invited)  
Environmental Protection Agency Director Scott Pruitt (invited)  
Director Mick Mulvaney, Office of Management and Budget (invited)

**Administration Speakers:**

U.S. Department of Defense, Lieutenant General Kenneth Wilsbach, Alaska NORAD Region,  
Alaska Command, 11th Air Force (confirmed)

**Other Senior Invited Guests:**

General Lori J. Robinson, U.S. NorthCOM (invited)  
Lt. General Chris Nowland, deputy Chief of Staff for Operations, A3, Headquarters USAF,  
Pentagon (invited)  
Major General Mark O'Neil, Commanding General, U.S. Army, Alaska (invited)  
Rear Admiral Michael F. McAllister, Commander, Seventeenth Coast Guard District, U.S. Coast  
Guard, Juneau (invited)  
Brigadier General Laurie Hummel, Adjutant General of the Alaska National Guard (invited)  
Lt. General Richard D. Clark, USA Director for Strategic Plans and Policy, J5 Office of the  
Chairman of the Joint Chiefs of Staff, Pentagon (invited)  
Mr. Richard Hartley, Acting Assistant Secretary of the Air Force for Installations, Environment  
and Energy, Pentagon (invited)  
General Ellen M. Pawlikowski, Air Force Material Command (invited)  
Lieutenant General VeraLinn Jamieson, Intelligence, Surveillance & Reconnaissance (invited)  
Ms. Heide Grant, Deputy Under Secretary of the Air Force, International Affairs, (invited)  
Director Gary Cohn, White House National Economic Council (invited)  
Chairman Ajit Pai, Federal Communications Commission (invited)  
Others to be announced

**Native Keynote Speakers:**

Michelle Anderson, President Ahtna, Incorporated (an Alaska Native Regional Corporation)  
Colonel Wayne Don, Alaska Army National Guard and Chairman Calista Corporation (an  
Alaska Native Regional Corporation)

*Pre-registration required . Seating is limited.*

*Note: Last updated November 7, 2017. This abstract will be updated weekly.*





November 7, 2017

Administrator Scott Pruitt  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Re: Conference and Reception Invitation - January 22<sup>nd</sup> in Washington, D.C.

Dear Administrator Pruitt:

On behalf of the Alaska Federation of Natives (AFN), the entire Alaska Congressional delegation, and the Governor and Lieutenant Governor of the State of Alaska, it is our pleasure to cordially invite you to attend our upcoming “Alaska Day” conference to be held at the Department of Interior Headquarters. This conference will also be co-hosted by Secretary of the Interior Ryan Zinke.

The name of the Alaska Day event is: **Challenges at America’s Northernmost Border: Critical Investment Decision’s for National Security, Energy, Transportation and Communities.** This conference will bring together Congressional leaders, Cabinet officials, State of Alaska leadership, Alaska Native leaders and other key stakeholders and decision-makers to facilitate a high-level briefing on national interests and national security interests in Alaska in such areas as defense, transportation, energy, land use, and engagement.

This full-day conference is scheduled for **Monday, January 22, from 9am to 4pm**. As your schedule permits, we respectfully request you attend this high-level briefing and we would be honored to ask one of our Alaska Senators to introduce you. We welcome your participation in helping us guide the conversation, review options, and identify a path forward for Alaska. We would also be delighted if you would join us for a reception featuring fresh Alaskan Seafood that will be held in room **366 Dirksen Senate Office Building from 5pm to 7pm**.

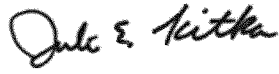
This high-level briefing will bring together Cabinet-level policy makers to help broadly increase the understanding and visibility of the national and global challenges we face as an Arctic state. Our focus will be on concrete steps that can be taken in 2018 to turn knowledge into action, support and leverage interagency cooperation, and produce lasting results.

Administrator Pruitt, your participation at this event would help increase awareness of the critical role the EPA plays in Alaska, and across America. The Arctic is vital to the long-term importance of our national security, economy, ecological diversity, and cultural heritage. Continued focus on America’s Northernmost Border remains critical through transitions of leadership, fiscal challenges, and among the sea of other policy priorities demanding attention.

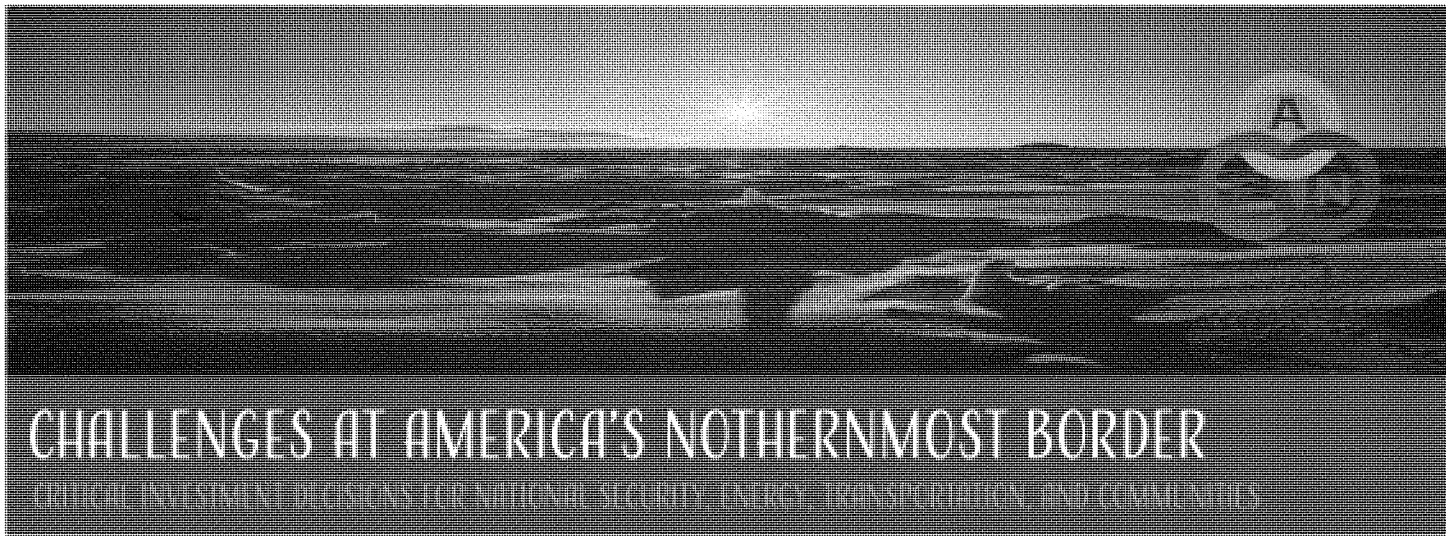
Enclosed please find a short abstract of the event to date. We will be adding updated speaker confirmations weekly. Again, thank you for your consideration of this request. If you have any questions, you can contact me directly at

**Ex. 6 - Personal Privacy**

Sincerely,



Julie Kitka  
President



# CHALLENGES AT AMERICA'S NORTHERNMOST BORDER

CRITICAL INVESTMENT DECISIONS FOR NATIONAL SECURITY, ENERGY, TRANSPORTATION, AND COMMUNITIES

January 22, 2018 | Department of the Interior | Washington, D.C.

## DRAFT

### Pre-Conference Department of Interior Section Auditorium

- 10:00 am Welcome: Honorable Ryan Zinke, Secretary of the Interior
- 10:05 am Ceremony/Oath for Joe Balash, Newly confirmed, Assistant Secretary for Land and Minerals Management, U.S. Department of Interior
- 10:07 am Comments by Joe Balash
- 10:10 am Honorable Dan Sullivan, U.S. Senator (tentative)
- 10:13 am Admiral Paul Zukunft, Commandant, USCG (tentative)
- 10:16 am Alaska Governor Bill Walker
- 10:19 am Honorable Don Young, Congressman for Alaska (tentative)
- 10:22 am Honorable Lisa Murkowski, U.S. Senator (tentative)
- 10:25 am Della Trumble, King Cove
- 10:30 am Honorable Ryan Zinke, Secretary of Interior
- Signing  
Press availability

# AGENDA

DRAFT

## DRAFT

### Challenges at America's Northernmost Border: Critical Investment Decisions for National Security, Energy, Transportation, and Communities Auditorium

# AGENDA

DRAFT

- 11:00 am Welcome - AFN Co-Chairs Ana Hoffman and Will Mayo
- 11:05 am **Morning keynote: Colonel Wayne Don, Alaska Army National Guard**
- 11:20 am Introduction of Special Guest: U.S. Senator Dan Sullivan
- 11:25 am General Lori Robinson, Commander of the U.S. Northern Command and  
Commander of the North American Aerospace Defense Command, US Air Force
- 11:45 am **Regional priorities – Cook Inlet – Greg Razo, Vice-President for External Affairs, CIRI**
- 11:50 am Guest speaker: Robb Wong, Associate Administrator, Office of Government  
Contracting and Business Development, Small Business Administration
- 12:00 pm **Working Lunch**  
Upstairs – South Penthouse
- Keynote: Michelle Anderson, President, Ahtna Incorporated**  
**Regional priorities: Bering Straits, Bristol Bay, North Slope and Northwest Alaska**
- 1:30 pm Dialogue with the Alaska Congressional delegation
- 2:00 pm Governor Bill Walker, and Lt. Governor Byron Mallott (not confirmed)
- 2:20 Guest speaker: EPA Lee Forsgren, Deputy Assistant Administrator for Water
- 2:30 Guest speaker: Earl Comstock, Director of Policy and Strategic Planning,  
Office of the Secretary, U.S. Dept of Commerce
- 2:40 pm **Regional priorities – Y/K Delta – Vivian Korthuis, President/CEO, Association of Village Council Presidents, Margaret Pohjola, Calista Corporation**
- 3:00 pm Guest speaker: Admiral Paul Zukunft, Commandant, US Coast Guard.  
Accompanied by Mr. Michael Emerson, Director of Marine Transportation System  
Management, and Rear Admiral Michael F. McAllister, Commandant,  
17th Coast Guard District, Alaska
- 3:20 pm **Regional Priorities – Chugach – Gabriel Kompkoff, President/ CEO, Chugach Alaska Corporation**  
**Regional Priorities – Southeast – Anthony Mallott, President/CEO, Sealaska**  
**Regional Priorities – Interior – Georgianna Lincoln, Doyon, Ltd.**

## DRAFT

# AGENDA

DRAFT

- 3:50 pm Guest speaker: David Kennedy, Deputy Under Secretary for Operations, National Oceanic and Atmospheric Administration, U.S. Dept. of Commerce
- 4:00 Guest speaker: Tracy Toulou, Office of Tribal Justice, U.S. Department of Justice
- 4:10 Guest speakers: FCC Commissioner Mignon Clyburn and FCC Commissioner Michael O’Rielly (tentative)
- 4:30 pm Conference adjourns
- 5-7pm Reception  
U.S. Senate Energy & Natural Resources Committee Room  
Senate Dirksen Room 366, Washington, D.C.

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 2/27/2018 6:53:17 AM  
**To:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** FW: Upcoming AZ Trip  
**Attachments:** 2.23.18 Rev PHX WCF Agenda 2018.pdf; ATT00001.htm; 2.8.18-AZ-Travel-and-budget-info.pdf; ATT00002.htm

Stephen is AD and used to work for the US Chamber of Commerce.

---

**From:** Gordon, Stephen  
**Sent:** Monday, February 26, 2018 4:41 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Upcoming AZ Trip

Justina,

Would I be permitted to attend this event hosted by the Western Caucus Foundation?

Thanks so much!

-Stephen

Stephen L. Gordon Jr.  
Deputy Director for Public Engagement  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-1301  
[Gordon.Stephen@epa.gov](mailto:Gordon.Stephen@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Friday, February 23, 2018 6:44 PM  
**To:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>  
**Subject:** Fwd: Upcoming AZ Trip

Stephen-

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Small, Jeff" <[Jeff.Small@mail.house.gov](mailto:Jeff.Small@mail.house.gov)>  
**To:** "Rodrick, Christian" <[rodrick.christian@epa.gov](mailto:rodrick.christian@epa.gov)>, "Bennett, Tate" <[Bennett.Tate@epa.gov](mailto:Bennett.Tate@epa.gov)>, "Ringel, Aaron" <[ringel.aaron@epa.gov](mailto:ringel.aaron@epa.gov)>, "Bowman, Liz" <[Bowman.Liz@epa.gov](mailto:Bowman.Liz@epa.gov)>, "Graham, Amy" <[graham.amy@epa.gov](mailto:graham.amy@epa.gov)>, "Palich, Christian" <[palich.christian@epa.gov](mailto:palich.christian@epa.gov)>, "Block, Molly" <[block.molly@epa.gov](mailto:block.molly@epa.gov)>, "Kelly, Albert" <[kelly.albert@epa.gov](mailto:kelly.albert@epa.gov)>, "Gunasekara, Mandy" <[Gunasekara.Mandy@epa.gov](mailto:Gunasekara.Mandy@epa.gov)>, "Konkus, John" <[konkus.john@epa.gov](mailto:konkus.john@epa.gov)>

Cc: "Henry, Darrell" <dhenry@rogstrategies.com>, "Hanson, Tanner" <Tanner.Hanson@mail.house.gov>  
Subject: RE: Upcoming AZ Trip

Christian, Tate, Aaron, Liz, Amy, Christian, Molly, Kelly, Mandy and John,

Happy Friday to you all.

By now you should have received the below invite from the Western Caucus Foundation. Darrell Henry from the Foundation is traveling for work so I am helping him do some follow-up.

Didn't see anyone from EPA on the RSVP list so wanted to reach out. We would appreciate you all considering sending any Department officials that you all think can make the trip and a person from Congressional Affairs.

Roundtable topics will include: America's Mineral Security, Reliable Water and Power, American Energy Dominance, Tribal Priorities, 21st Century Infrastructure and Federal Lands and Multiple-Use.

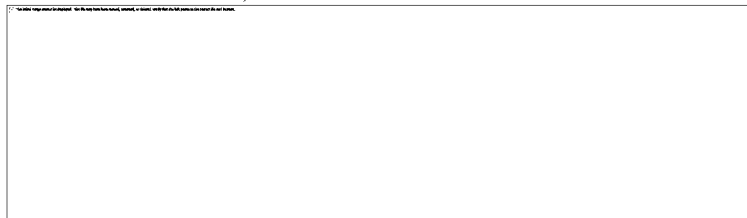
Final pitch: The trip will include a tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine and an aerial briefing and chartered bus tour of the Grand Canyon. Optional events include a fundraising reception to benefit the Western Caucus Foundation at the Angels vs. Cubs Spring Training Baseball Game as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a Policy Roundtable with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

The agenda has been approved by House Administration and House Ethics. Let us know if you have other questions.

Sincerely,

**Jeff Small**

*Executive Director | Congressional Western Caucus  
Senior Advisor | Congressman Paul A. Gosar, D.D.S.*



## **ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR**

Friday, March 9<sup>th</sup> – Sunday, March 11<sup>th</sup>

All Western Caucus Members, staff, agency officials and Caucus supporters are encouraged to attend. This is a great opportunity to crisscross Arizona, see important policy issues up close and soak up some Arizona sun watching America's favorite pastime.

### **Draft Agenda**

**Thursday, March 8**

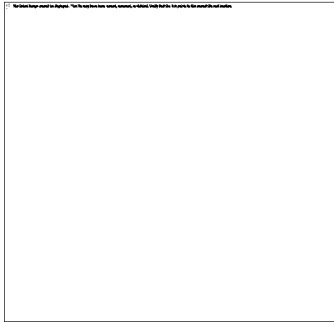
RON

Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ

Staff booking: click [HERE](#) (Pick Gov and military under Special Rates. Book 8<sup>th</sup>-

10<sup>th</sup>.)

Filling up fast. Room block has expired.

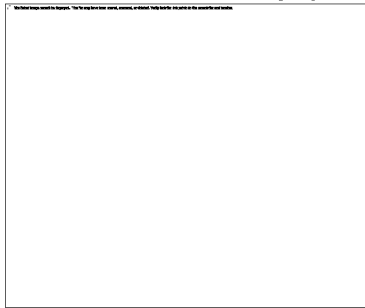


**Friday, March 9**

9:15 am -  
11:45

Western Policy Roundtable  
Location: Arizona State University  
Community room, Devil's Oasis, at the Sun Devil Marketplace  
(660 S. College Ave., Tempe, AZ 85281).  
The room is located inside the ASU Bookstore on the second floor.

**Policy Speaker:**



Brenda Burman, Bureau of Reclamation

– Invited

Other Administration Officials – TBA



**Roundtable Topics:**

- America's Mineral Security
- Reliable Water and Power
- American Energy Dominance
- Tribal Priorities
- 21st Century Infrastructure
- Federal Lands and Multiple-Use

1:00pm

Fundraising reception to benefit the Western Caucus Foundation  
At the Angels vs. Cubs Spring Training Baseball Game  
Location: Sloan Park, "Wrigleyville West" 2330 W. Rio Salado Pkwy, Mesa, AZ

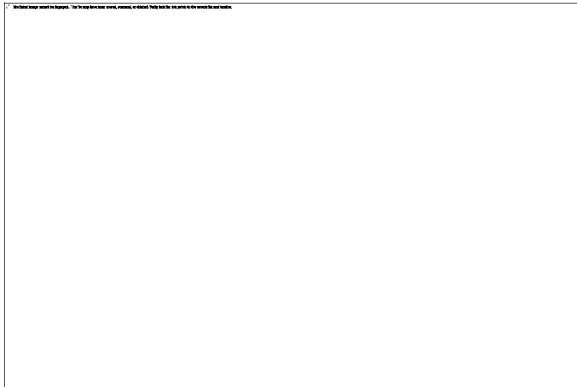




\* Members of Congress, Congressional staff and special guests are invited to attend fundraising reception as Foundation Guests.

7pm Policy Keynote Speech and Dinner  
Location: University Club, 39 E. Monte Vista Rd, Phoenix, AZ  
Speaker: Western VIP TBA

RON Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ  
To book click [HERE](#) (Click Special Rates box - Gov and military. Book 8<sup>th</sup>-10<sup>th</sup>.)  
Filling up fast. Room block has expired.



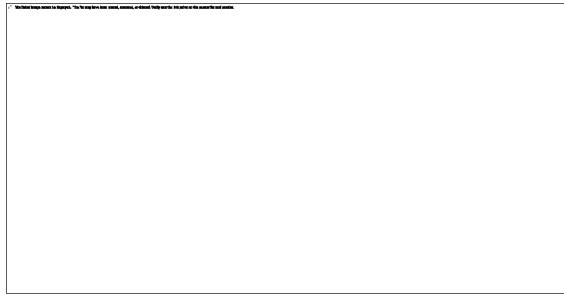
**Saturday, March 10**

8:00am Depart hotel for all day field tour

9:00am Member and Staff for Field Tour of Resolution  
Copper Superior Mine  
Location: 402 W. Main Street, Superior, AZ

12:30pm Depart Resolution Copper  
Sack lunch on the bus

3:00pm Briefing on Forestry and Management Issues  
Location: Alcantara Vineyards  
3445 S. Grapevine Way · Cottonwood, Arizona 86326



(Wine tasting or wine

will be at own expense)

4:00p.m

Depart for Flagstaff

7pm

Reception

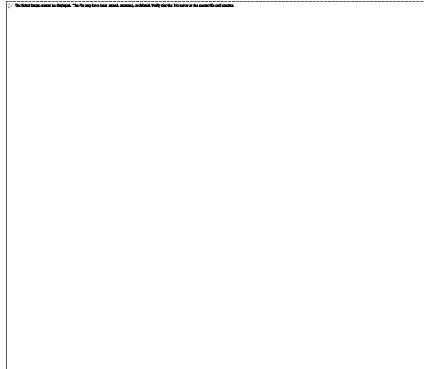
Location: TBA, Flagstaff, AZ

RON

The Little America Hotel (this hotel is now sold out)

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To book call 800-352-4386 - government rate ~\$122.05



More info at:

[www.flagstaff.littleamerica.com](http://www.flagstaff.littleamerica.com)

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Rate: \$166 inc breakfast

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<https://www.druryhotels.com/bookandstay/newreservation/?groupno=233508>

2

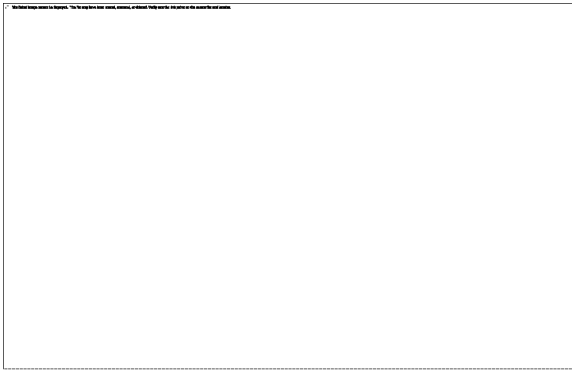
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Depart for bus tour of Grand

Canyon and policy briefing

Policy Briefing Topics

- Federal Lands, Parks, and Monuments

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Lunch and Briefing

Location: historic El Tovar Hotel

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**Monday, March 12**

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# WESTERN CAUCUS FOUNDATION



THE HONORABLE STEVE DAINES  
HONORARY CO-CHAIR

THE HONORABLE PAUL GOSAR  
HONORARY CO-CHAIR

## ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

### Appendix 1 – Approximate Costs for Government Travel

#### TRAVEL AND BUDGET INFO

Roundtrip flight	\$586.30
Hotel Tempe	\$396.96 (2 nights at \$198.48) – Government Rate
Hotel Flagstaff	\$122.05+tax
Bus Tours:	\$120
~Total:	\$1,225.31

\*Note costs are approximate

#### Roundtrip flight at government rate:

##### Air to PHX

Thu, Mar 8

**5:00 PM – 8:17 PM**

Washington, D.C. (DCA) – Phoenix (PHX)

American 474

##### Air back from FLG to PHX

Sun, Mar 11

**4:47 PM – 5:50 PM**

Grand Canyon Village (FLG) – Phoenix (PHX)

American 3036

##### Air back from PHX to DCA

**11:55 PM– 7:07 AM**

Phoenix (PHX) – Washington, D.C. (DCA)

American 1512

#### Hotels at government rate:

##### March 8 and March 9

RON Location: AC Hotel by Marriott, 100 E. Rio Salado Pkwy, Tempe, AZ  
Staff booking: click [HERE](#) (Pick Gov and military under Special Rates. Book 8<sup>th</sup>-10<sup>th</sup>.)  
Corp & non-gov guests email [info@westerncaucusfoundation.org](mailto:info@westerncaucusfoundation.org) for our block.

##### March 10

RON The Little America Hotel, 2515 E. Butler Ave, Flagstaff, AZ  
To book call 800-352-4386 and ask for the government rate ~\$122.05  
More info at: [www.flagstaff.littleamerica.com](http://www.flagstaff.littleamerica.com)

[www.westerncaucusfoundation.org](http://www.westerncaucusfoundation.org)

Agenda current as of: February 7, 2018

## APPENDIX 2 – FAQs

### **Who can go on the trip and attend the events?**

The trip and events in Arizona are open to Members of the Western Caucus (House and Senate), Congressional staff (with or without a Member of Congress), Western Caucus Foundation stakeholders and Western Caucus guests.

### **What do I need to book?**

Attendees will need to book airfare and hotels as soon as possible. Congressional offices please utilize the same process you use for booking normal government rate travel.

### **Can we use our office MRA to pay for it?**

The agenda and activities on this trip relate to official government duties by members & staff– thus Congressional offices can use MRA funds.

### **What costs are Congressional Offices responsible for on the trip?**

Congressional office expenses include round trip airfare, meals not allowed to be covered by the Foundation, coordinated ground transportation via bus and nightly hotel fees (@ government rate). Congressional offices will not be responsible for the quiet technology aerial tour of the Grand Canyon which is essential for this briefing. The Foundation will coordinate the itinerary, activities, as well as pay for allowable meals and a widely attended reception. These include box lunches at work briefings. **For an estimated breakdown, please see a listing of estimated costs in Appendix I.**

**What are the guidelines for attending the fundraiser at the Baseball Game?** House Ethics considers the baseball game a charitable event just like any other similar event. Per House Rules -- *“The gift rule is clear that Members, officers, and employees may accept an invitation to a widely attended or charity event only from the sponsor of the event...The gift rule provides that when the requirements set forth above are satisfied, Members, officers, and employees may accept “free attendance” at the event. As used in the rule, free attendance includes “waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event.”* <https://ethics.house.gov/gifts/gift-exceptions-0/charity-fundraising-events>

Per Senate Rules -- *Charity Event: Free attendance, including food and refreshments, at an event where the primary purpose is to raise funds for a § 501 (c)(3) organization. The offer must come from the overall event sponsor, not a table sponsor.*

[https://www.ethics.senate.gov/public/index.cfm/files/serve?File\\_id=B5EA8A39-C8EC-4EF0-9096-FF872752B77B](https://www.ethics.senate.gov/public/index.cfm/files/serve?File_id=B5EA8A39-C8EC-4EF0-9096-FF872752B77B)

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## ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR

Friday, March 9<sup>th</sup> – Sunday, March 11<sup>th</sup>

This amazing trip will include a **tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine**. It will include an **aerial briefing** and **chartered bus tour** of the **Grand Canyon**. Optional event activities include a fundraising reception to benefit the Western Caucus Foundation at the **Angels vs. Cubs Spring Training Baseball Game** as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a **Policy Roundtable** with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

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Filling up fast. Room block has expired.

#### Friday, March 9

9:15 am -  
11:45

Western Policy Roundtable

Location: Arizona State University

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The room is located inside the ASU Bookstore on the second floor.

#### **Policy Speaker:**

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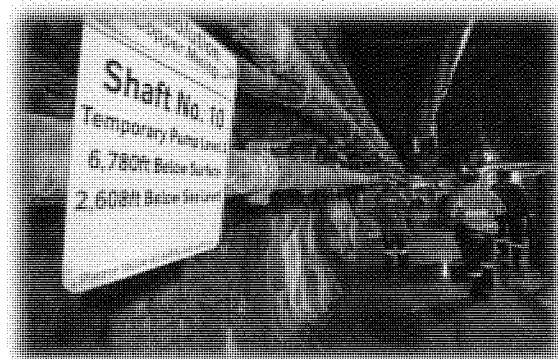
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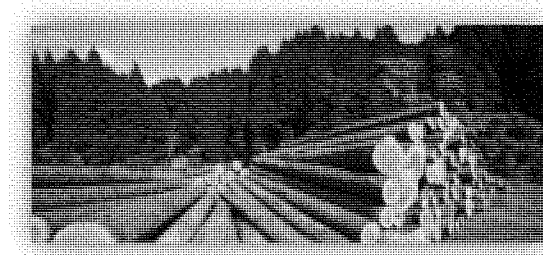
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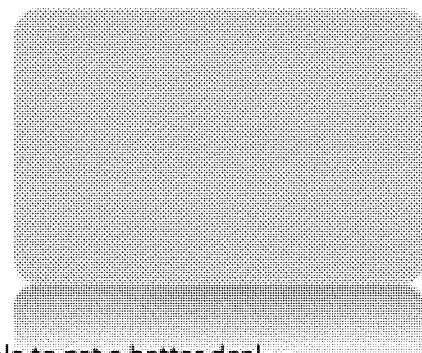
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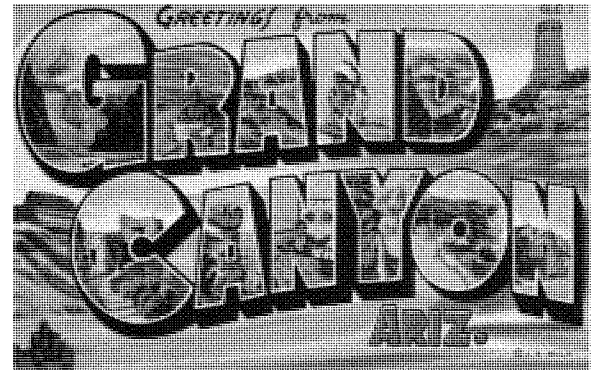
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RON Flagstaff, AZ or Phoenix, AZ

## Monday, March 12

\*Optional return to DC via commercial airliner

### For questions and contact—

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Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 2/27/2018 6:50:45 AM  
**To:** Gordon, Stephen [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=7c8fb4d82bff4eec98f5c5d00a47f554-Gordon, Ste]  
**CC:** Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]  
**Subject:** RE: Upcoming AZ Trip

As this invitation includes several gifts associated with the trip, I'm going to ask Jennie Keith to take a look for you.

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Gordon, Stephen  
**Sent:** Monday, February 26, 2018 4:41 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Upcoming AZ Trip

Justina,

Would I be permitted to attend this event hosted by the Western Caucus Foundation?

Thanks so much!

-Stephen

Stephen L. Gordon Jr.  
Deputy Director for Public Engagement  
Office of the Administrator  
U.S. Environmental Protection Agency  
(202) 564-1301  
[Gordon.Stephen@epa.gov](mailto:Gordon.Stephen@epa.gov)

---

**From:** Bennett, Tate  
**Sent:** Friday, February 23, 2018 6:44 PM  
**To:** Gordon, Stephen <[gordon.stephen@epa.gov](mailto:gordon.stephen@epa.gov)>  
**Subject:** Fwd: Upcoming AZ Trip

Stephen-

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Begin forwarded message:

**From:** "Small, Jeff" <Jeff.Small@mail.house.gov>  
**To:** "Rodrick, Christian" <rodrick.christian@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Ringel, Aaron" <ringel.aaron@epa.gov>, "Bowman, Liz" <Bowman.Liz@epa.gov>, "Graham, Amy" <graham.amy@epa.gov>, "Palich, Christian" <palich.christian@epa.gov>, "Block, Molly" <block.molly@epa.gov>, "Kelly, Albert" <kelly.albert@epa.gov>, "Gunasekara, Mandy" <Gunasekara.Mandy@epa.gov>, "Konkus, John" <konkus.john@epa.gov>  
**Cc:** "Henry, Darrell" <dhenry@roqstrategies.com>, "Hanson, Tanner" <Tanner.Hanson@mail.house.gov>  
**Subject:** RE: Upcoming AZ Trip

Christian, Tate, Aaron, Liz, Amy, Christian, Molly, Kelly, Mandy and John,

Happy Friday to you all.

By now you should have received the below invite from the Western Caucus Foundation. Darrell Henry from the Foundation is traveling for work so I am helping him do some follow-up.

Didn't see anyone from EPA on the RSVP list so wanted to reach out. We would appreciate you all considering sending any Department officials that you all think can make the trip and a person from Congressional Affairs.

Roundtable topics will include: America's Mineral Security, Reliable Water and Power, American Energy Dominance, Tribal Priorities, 21st Century Infrastructure and Federal Lands and Multiple-Use.

Final pitch: The trip will include a tour nearly 7,000 feet below the Earth's surface of Resolution Copper's Superior Mine and an aerial briefing and chartered bus tour of the Grand Canyon. Optional events include a fundraising reception to benefit the Western Caucus Foundation at the Angels vs. Cubs Spring Training Baseball Game as well as evening receptions in Phoenix and Flagstaff. The Foundation will also host a Policy Roundtable with Western Caucus Members and staff and more than 50 important Arizona and Western Caucus stakeholders.

The agenda has been approved by House Administration and House Ethics. Let us know if you have other questions.

Sincerely,

**Jeff Small**

*Executive Director | Congressional Western Caucus*

*Senior Advisor | Congressman Paul A. Gosar, D.D.S.*



## **ARIZONA WESTERN POLICY ROUNDTABLE & FIELD TOUR**

**Friday, March 9<sup>th</sup> – Sunday, March 11<sup>th</sup>**

**All Western Caucus Members, staff, agency officials and Caucus supporters are encouraged to attend. This is a great opportunity to crisscross Arizona, see important policy issues up close and soak up some Arizona sun watching America's favorite pastime.**

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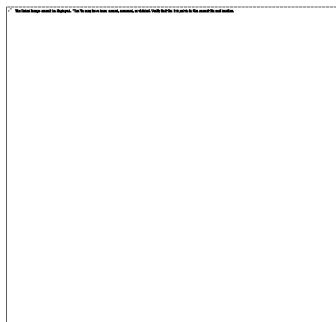
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**Friday, March 9**

9:15 am -

Western Policy Roundtable

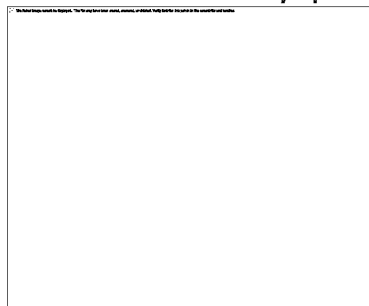
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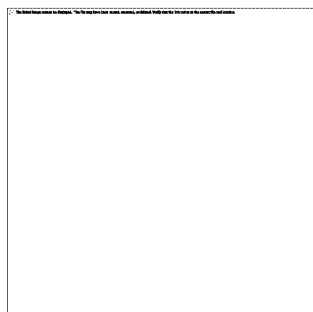
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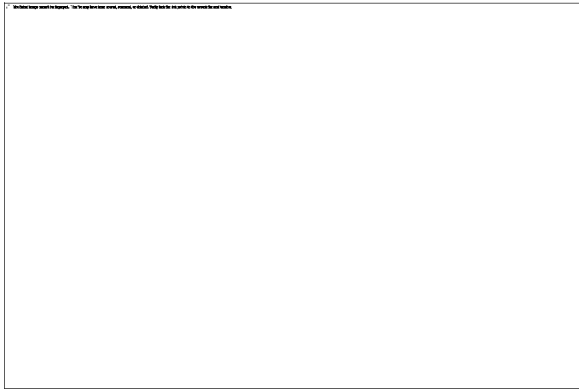
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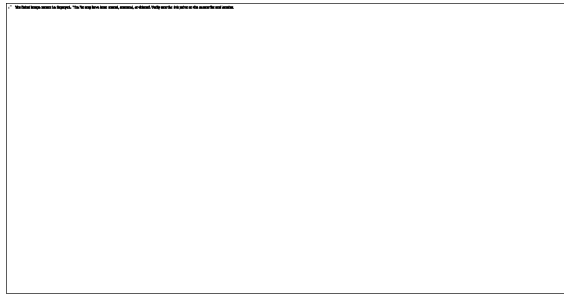
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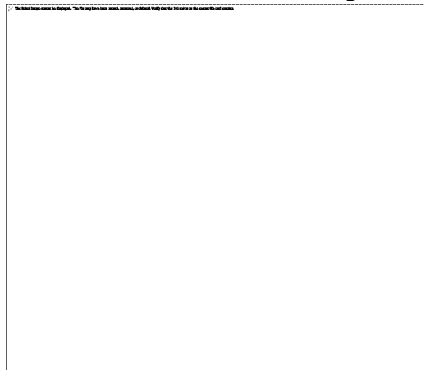
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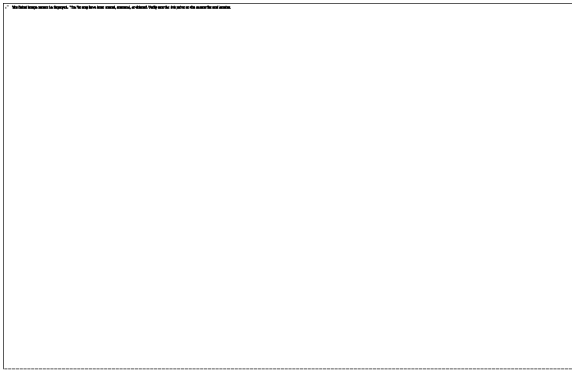
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**To:** Block, Molly[block.molly@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 1/19/2018 10:36:34 PM  
**Subject:** RE: Ethics Question: Can I attend?

So the problem here is that Scott Segal and the firm are federally registered lobbyists, and you have signed the Trump ethics pledge that says you will not accept any gift at all from a lobbyist. So what I need to understand is why you were invited. Ex. 6 - Personal Privacy

---

**From:** Block, Molly  
**Sent:** Friday, January 19, 2018 5:27 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Ethics Question: Can I attend?

It's someone else at the firm.

---

**From:** Fugh, Justina  
**Sent:** Friday, January 19, 2018 5:26 PM  
**To:** Block, Molly <block.molly@epa.gov>  
**Subject:** RE: Ethics Question: Can I attend?

Hi Molly,  
Is your friend Scott Segal or someone else?  
Justina

---

**From:** Block, Molly  
**Sent:** Friday, January 19, 2018 5:18 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Ethics Question: Can I attend?

Hey Justina,

I just got this invitation from Ex. 6 - Personal Privacy It will be a widely attended event, but I'm not sure who from EPA was invited. I'm aware that they lobby EPA on a wide range of issues.

Am I allowed to attend?

Thanks,  
Molly

---

**From:** Segal, Scott [mailto:scott.segal@bracewell.com]  
**Sent:** Friday, January 19, 2018 5:12 PM  
**To:** Segal, Scott <scott.segal@bracewell.com>  
**Subject:** PRG Reception Welcoming Anna Burhop, Stoney Burke, Liam Donovan, and Christine Wyman

Having trouble reading this email? [View it in your browser.](#)

## **PRG Welcome Reception**

Join us as we raise a glass to celebrate the newest members of the PRG team:

**Anna Burhop, Principal**  
**Stoney Burke, Principal**  
**Liam Donovan, Principal**  
**Christine Wyman, Senior Counsel**

**Monday, January 29, 2018**

**5:30 PM – 7:30 PM**

**[Add to Calendar](#)**

**Charlie Palmer Steak**  
101 Constitution Ave NW, 7<sup>th</sup> Floor  
Washington, DC  
**[Directions](#)**

Please click [here](#) to RSVP.

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**SCOTT SEGAL**

Partner

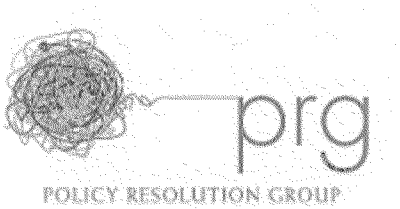
[scott.segal@policyres.com](mailto:scott.segal@policyres.com)

T: +1.202.828.5845 | F: +1.800.404.3970

**POLICY RESOLUTION GROUP | BRACEWELL LLP**

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Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 12/28/2017 2:34:54 PM  
**To:** Jensen, LeAnn [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=92bec0e34e7d4c3292a8d0028590f636-Jensen, LeAnn]  
**CC:** Dierker, Carl [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=d1f9b7627f8e4efab65f9e9513bf323e-Dierker, Carl]; Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]  
**Subject:** RE: Request for ACOEL Members to meet with Alex Dunn in February 2018

Hi there,  
Let's take each invitation separately:

- 1) invitation to speak to members of the American College of Environmental Lawyers (ACOEL) in mid-February -- **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

- 2) Environmental Law Institute (ELI) will sponsor a reception at Wilmer Hale -- **Ex. 5 - Deliberative Process**

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Jensen, LeAnn

**Sent:** Tuesday, December 19, 2017 5:30 PM

**To:** Fugh, Justina <Fugh.Justina@epa.gov>

**Cc:** Dierker, Carl <Dierker.Carl@epa.gov>

**Subject:** FW: Request for ACOEL Members to meet with Alex Dunn in February 2018

Hi Justina –

Carl and I are checking in with you about Alex Dunn's ability to participate in the two interrelated events described in the attached invitation. In particular, she recently received an invitation to speak to members of the American College of Environmental Lawyers (ACOEL) in mid-February. After this talk, the Environmental Law Institute (ELI) will sponsor a reception at Wilmer Hale that will, in all likelihood, involve alcohol and food.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Thanks and happy holidays,

LeAnn

617-918-1072

---

**From:** Thomas S. Burack [<mailto:tburack@sheehan.com>]

**Sent:** Monday, December 18, 2017 3:34 PM

**To:** Lindsay, Jane <lindsay.jane@epa.gov>

**Cc:** Alexandra Dunn <adunn@ecos.org>; szaro.deborah@epa.gov; Coit, Janet (DEM) <janet.coit@dem.ri.gov>; Dierker, Carl <Dierker.Carl@epa.gov>; sjaffe@foleyhoag.com; Kirsch, Rob <Rob.Kirsch@wilmerhale.com>; lynne.barbaro@wilmerhale.com; Lesley J. LaPerle <llaperle@sheehan.com>

**Subject:** Request for ACOEL Members to meet with Alex Dunn in February, 2018

Dear Ms. Lindsay: Attached please find a PDF of a letter requesting an opportunity for members of the ACOEL to meet with Alexandra Dunn, Esq., on a date in February 2018 that coincides with a reception to be hosted for Mrs. Dunn by the Environmental Law Institute. Please call me if it would be helpful to discuss arrangements.

Sincerely,  
Tom Burack

## SHEEHAN PHINNEY

Thomas S. Burack, Esq.  
Sheehan Phinney Bass & Green, PA  
1000 Elm Street, 17<sup>th</sup> Floor  
Manchester, NH 03101  
T 603-627-8387  
[tburack@sheehan.com](mailto:tburack@sheehan.com)  
<http://www.sheehan.com>



**SHEEHAN PHINNEY BASS & GREEN PRIVILEGED AND CONFIDENTIAL:** This electronic mail transmission is privileged and confidential and is intended only for the review of the party to whom it is addressed. If you have received this transmission in error, please notify the sender immediately by reply e-mail and delete the transmission. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege.

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 11/13/2017 12:40:56 AM  
**To:** Gleason, Michael [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=96bc79d699e64c21bf4e4d524a10bf4c-Gleason, Michael]; Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]  
**Subject:** RE: Upcoming Meetings

Hi Mike,

See my comments below:

## Ex. 5 - Deliberative Process

Happy weekend!

justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Gleason, Michael  
**Sent:** Thursday, November 09, 2017 3:27 PM  
**To:** Ross, Margaret <Ross.Margaret@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Upcoming Meetings

Margaret and Shannon.

Thank you.

# Ex. 5 - Deliberative Process

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

---

**From:** Ross, Margaret  
**Sent:** Thursday, November 9, 2017 11:44 AM  
**To:** Gleason, Michael <[Gleason.Michael@epa.gov](mailto:Gleason.Michael@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Upcoming Meetings

Hi Michael,

# Ex. 5 - Deliberative Process

Hope this helps!

Best,  
Margaret



**From:** Gleason, Michael  
**Sent:** Thursday, November 9, 2017 12:20 PM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Upcoming Meetings

Hi Shannon and Margaret,

## Ex. 5 - Deliberative Process

Thanks!

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

**From:** Griffo, Shannon  
**Sent:** Monday, October 30, 2017 1:00 PM  
**To:** Gleason, Michael <Gleason.Michael@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Upcoming Meetings

We will definitely keep you posted on any new developments.

Attached are some examples of recent recusals.

**Ex. 5 - Deliberative Process**

### Ex. 5 - Deliberative Process

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

**From:** Gleason, Michael  
**Sent:** Thursday, October 26, 2017 4:06 PM  
**To:** Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Cc:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Upcoming Meetings

Hi Shannon,

Thanks for the update.

**Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

Sure, I could do the draft recusal. And yes, I'd appreciate some examples.

Thanks.

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

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**From:** Griffo, Shannon  
**Sent:** Thursday, October 26, 2017 1:38 PM  
**To:** Gleason, Michael <[Gleason.Michael@epa.gov](mailto:Gleason.Michael@epa.gov)>  
**Cc:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Upcoming Meetings

Hi Mike,

## **Ex. 5 - Deliberative Process**

Thanks,  
Shannon

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061  
[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Gleason, Michael  
**Sent:** Thursday, October 19, 2017 1:58 PM  
**To:** Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>; Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Upcoming Meetings

Thanks Shannon – very helpful.

## **Ex. 5 - Deliberative Process**

Thanks.

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

---

**From:** Griffo, Shannon  
**Sent:** Thursday, October 19, 2017 11:17 AM  
**To:** Gleason, Michael <Gleason.Michael@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Upcoming Meetings

Hi Mike,

Sorry for the delay in responding to your recent emails. It's been another crazy few days here, and our "ethical genius" has been out of the office part of this week. 😊

I think your general approach described in your October 17<sup>th</sup> email sounds good to me. **Ex. 5 - Deliberative Process**

## **Ex. 5 - Deliberative Process**

# **Ex. 5 - Deliberative Process**

You can go ahead and remind Doug to sign his Ethics Pledge. Feel free to send us the original for his file. Although if he wants to keep it, we are good with just an electronic copy here. Other Regions are sending us the originals while another RA wanted to keep his.

Hope this helps!

Shannon Griffo  
Ethics Attorney  
Office of General Counsel, Ethics  
U.S. Environmental Protection Agency  
(202) 564-7061

[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)

---

**From:** Gleason, Michael  
**Sent:** Thursday, October 19, 2017 9:29 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** RE: Upcoming Meetings

Hi Justina and Shannon,

## Ex. 5 - Deliberative Process

Oh, one last thing: I haven't received Doug's signed Ethics Pledge yet. Do you want to remind him, or should I? And when I get it, I assume I send you the original for his Ethics file.

Thank you.

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

---

**From:** Gleason, Michael  
**Sent:** Tuesday, October 17, 2017 8:16 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>  
**Subject:** FW: Upcoming Meetings

Hi Justina and Shannon,

## Ex. 5 - Deliberative Process

Let me know if this general approach sounds good or if you have any further guidance for me as I vet meeting invitations.

## Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you!

Oh, p.s., I gave a supervisory ethics training yesterday and opened by asking folks to name “Ethical Geniuses” – people like Aristotle, Confucius, Moses, etc. You should be proud to know that the only response I got was: Justina Fugh.

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

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**From:** Gleason, Michael  
**Sent:** Monday, October 16, 2017 5:23 PM  
**To:** Benevento, Douglas <[benevento.douglas@epa.gov](mailto:benevento.douglas@epa.gov)>  
**Cc:** Schefski, Kenneth <[Schefski.Kenneth@epa.gov](mailto:Schefski.Kenneth@epa.gov)>; Moon, Diane <[Moon.Diane@epa.gov](mailto:Moon.Diane@epa.gov)>  
**Subject:** RE: Upcoming Meetings

Doug,

In brief, I do not see an ethics conflict problem in your participation at the proposed meetings with the Colorado Springs Housing and Building Authority and Noble Energy.

Colorado Springs Housing and Building Authority (CSHBA) Meeting:

- Diane Moon forwarded additional information about the CSHBA meeting (attached). The meeting appears to be focused on regulation and permitting under Clean Water Act §404 (wetlands) and §402 (storm water). Based on the information I received, it does not appear that the meeting will focus on your conflicted sectors (utilities, natural gas distribution, or alternative energy).
- Thus, I do not see an ethics conflict problem if you meet with CSHBA about the stated Clean Water Act issues, or other issues unrelated to your conflicted sectors.
- Note that you also may enjoy the provided meal (breakfast), if you so choose. The meal is not a prohibited “gift” because you are attending in order to present information on behalf of the agency (this is a defined gift exclusion at 5 CFR §2635.203(b)(8)).

Noble Energy Meeting:

- As I understand, Noble Energy engages in oil and gas extraction and production activities. But Noble’s business does not include your conflicted sectors: utilities; natural gas distribution; or alternative energy.
- Therefore, I do not see an ethics conflict problem in your attending a meeting to introduce you to Noble Energy officials.
- It does not appear that there are any gift issues associated with this meeting. I note that Noble Energy is a registered lobbyist, and thus you are prohibited under the Trump Ethics pledge from accepting gifts from Noble. Let me know if you receive further information indicating possible a possible gift issue.

Reminder: As we discussed with Justina Fugh this morning, until your divestiture of Xcel stock is complete, you should not participate in EPA particular matters involving Xcel or involving the following sectors in which Xcel operates: utilities; natural gas distribution; and alternative energy. Particular matters include specific party matters and matters of general applicability such as rulemaking and policy-making. Thus, although I do not see a conflict issue based on the descriptions

of the meetings above, be aware that conflict problems could arise if discussions turn to policy-making or rulemaking involving the conflicted sectors.

Let me know if you have any further questions.

Thanks.

Michael P. Gleason  
Associate Regional Counsel  
U.S. Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
(303) 312-6898

---

**From:** Benevento, Douglas

**Sent:** Monday, October 16, 2017 3:02 PM

**To:** Gleason, Michael <Gleason.Michael@epa.gov>; Schefski, Kenneth <Schefski.Kenneth@epa.gov>; Moon, Diane <Moon.Diane@epa.gov>

**Subject:** Upcoming Meetings

Below are the meetings that I currently have pending. I want to make certain that Michael and K.C. are aware of them so you can advise me on my participation.

## Ex. 5 - Deliberative Process

If you have questions or concerns please let me know.

Thanks,

Doug

**To:** Alexandra Dunn [mailto:**Ex. 6 - Personal Privacy**]  
**Cc:** Dierker, Carl[Dierker.Carl@epa.gov]; Jensen, LeAnn[Jensen.Leann@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Sat 1/6/2018 2:40:59 AM  
**Subject:** RE: recusal statement (to be signed after you join EPA)

# Ex. 5 - Deliberative Process

**From:** Alexandra Dunn [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Friday, January 05, 2018 9:23 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Dierker, Carl <Dierker.Carl@epa.gov>; Jensen, LeAnn <Jensen.Leann@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** Re: recusal statement (to be signed after you join EPA)

# Ex. 5 - Deliberative Process

Alexandra Dapolito Dunn, Esq.  
**Ex. 6 - Personal Privacy**

On Fri, Jan 5, 2018 at 8:52 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:  
Hi,

# Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Alexandra Dunn [mailto:**Ex. 6 - Personal Privacy**]  
**Sent:** Friday, January 05, 2018 8:50 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Dierker, Carl <Dierker.Carl@epa.gov>; Jensen, LeAnn <Jensen.Leann@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** Re: recusal statement (to be signed after you join EPA)

Good evening all -

# Ex. 5 - Deliberative Process

Sent from my iPhone  
On Jan 5, 2018, at 7:38 PM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:

Hi there,  
We are all looking forward to your joining EPA next week! As we have discussed, you will be required to sign the Trump ethics pledge, which includes a “cooling off” period of two years with your former employer. Pursuant to Executive Order 13,770, you will be prohibited from participating personally and substantially in any particular matter involving your former employer (which includes any organization in which you served in a fiduciary role), unless a two-part exception applies (see *infra* for more information).

For the purposes of the Pledge paragraph 6, you can't interact with your former employer on any "particular matter involving specific parties," which is defined to include litigation, enforcement actions, permits, a site-specific SIP approval, or any other proceeding, ruling or determination that is directed at specific, identifiable persons. The Ethics Pledge expands this definition to include a meeting or any other communication with your former employer in the context of the performance of your official duties. Thus, the restriction applies to invitations to speak at a conference sponsored by a former employer. There is a two-part exception for communications with a former employer that we can apply, but only if the communication is: (1) about a particular matter of general applicability, and (2) made at a meeting or other event at which participation is open to all interested parties (meaning five or more parties in total, with only one of the five being a former employer) and the parties represent or express a diversity of viewpoints.

## Ex. 5 - Deliberative Process

### Ex. 5 - Deliberative Process

#### Ex. 5 - Deliberative Process

We'll surely be talking soon, but it'll be after you're officially on board at EPA!  
Cheers,  
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North,  
William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) |  
phone 202-564-1786 | fax 202-564-1772

<Alexandra Dunn recusal for signature - final version.docx>



**To:** Greenwalt, Sarah[greenwalt.sarah@epa.gov]  
**Cc:** Kasman, Mark[Kasman.Mark@epa.gov]; Nishida, Jane[Nishida.Jane@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Sat 11/25/2017 9:22:02 PM  
**Subject:** Re: Ethics Question

Hi Sarah,

Ex. 5 - Deliberative Process

Justina

Sent from my iPhone

On Nov 22, 2017, at 5:29 AM, Greenwalt, Sarah <greenwalt.sarah@epa.gov> wrote:

Yes, thank you.

Ex. 5 - Deliberative Process

Sent from my iPhone

On Nov 22, 2017, at 8:15 AM, Kasman, Mark <Kasman.Mark@epa.gov> wrote:

Thanks Justina! Much appreciated.

Mark

**From:** Fugh, Justina  
**Sent:** Wednesday, November 22, 2017 8:12 AM  
**To:** Kasman, Mark <Kasman.Mark@epa.gov>  
**Cc:** Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Nishida, Jane <Nishida.Jane@epa.gov>  
**Subject:** Re: Ethics Question

Hi Mark,

Ex. 5 - Deliberative Process

Would that work?

Justina

Sent from my iPhone

On Nov 21, 2017, at 6:59 PM, Kasman, Mark <Kasman.Mark@epa.gov> wrote:

Hi Justina,

Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Nov 16, 2017 9:25 AM

Sue Bumpous

The U.S. Department of Commerce has reached out to SWANA to ask whether any SWANA members with operations in Morocco might be interested to meet with EPA Administrator Pruitt during his trip there next month.

Specifically, the U.S. EPA is working with the Commerce Department and State Department to put together a roundtable discussion on solid waste management with Administrator Pruitt, U.S. companies, Moroccan officials and Moroccan companies, on Monday, December 11 in Rabat. The focus of the roundtable likely would be on the opportunities and challenges of doing business in Morocco. Please contact Amy Kreps at [amy.Kreps@trade.gov](mailto:amy.Kreps@trade.gov) if you are interested in participating in this event.

-----  
Sue Bumpous  
Technical Divisions Manager  
Solid Waste Association of North America  
Silver Spring MD  
-----

Thanks for your advice, Mark

Mark S. Kasman  
Director  
Office of Regional and Bilateral Affairs  
Office of International and Tribal Affairs  
U.S. Environmental Protection Agency  
1300 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460  
TEL: 202-564-2024 FAX: 202-565-2412

Message

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**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 11/8/2017 2:23:33 PM  
**To:** Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]  
**Subject:** Fwd: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

FYI

Sent from my iPhone

Begin forwarded message:

**From:** "Bodine, Susan" <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Date:** November 8, 2017 at 8:54:51 AM EST  
**To:** "Fugh, Justina" <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Thank you Justina.

## Ex. 5 - Deliberative Process

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**From:** Fugh, Justina  
**Sent:** Tuesday, November 7, 2017 6:42 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Subject:** RE: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Hi Susan,

## Ex. 5 - Deliberative Process

DC Bar Rule 1.9 says that a lawyer who formerly represented a client in a matter "shall not thereafter represent another person in the same or substantially related matter" unless, as you say, the former client gives informed consent. But one aspect of loyalty to the former client is the obligation to decline subsequent representations involving positions adverse to the former client in the same or substantially related matter. Note 16 to DC Bar Rule 1.10.

## Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Bodine, Susan  
**Sent:** Tuesday, November 07, 2017 8:52 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

New question.

## Ex. 5 - Deliberative Process

Is that correct?

---

**From:** Traylor, Patrick  
**Sent:** Monday, November 6, 2017 2:59 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Subject:** FW: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Susan,

## Ex. 5 - Deliberative Process

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
(202) 809-8796 (cell)

---

**From:** Greenwalt, Sarah  
**Sent:** Monday, November 6, 2017 2:25 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** RE: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Thank you Millan. Patrick, please let me know if you have a few minutes to discuss.

**Sarah A. Greenwalt**

Senior Advisor to the Administrator  
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency  
Work: 202-564-1722 | Cell: 202-816-1388  
[Greenwalt.Sarah@epa.gov](mailto:Greenwalt.Sarah@epa.gov)

---

**From:** Hupp, Millan  
**Sent:** Monday, November 6, 2017 2:11 PM  
**To:** Greenwalt, Sarah <[greenwalt.sarah@epa.gov](mailto:greenwalt.sarah@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Subject:** FW: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Good afternoon.

This letter came into me this morning. Looks like it falls within each of your peripheries.

Please let me know if you need anything further from me on this.

Thank you,

Millan Hupp  
Director of Scheduling and Advance  
Office of the Administrator  
Cell: 202.380.7561 Email: [hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)

---

**From:** Millan Hupp **Ex. 6 - Personal Privacy**  
**Sent:** Monday, November 6, 2017 1:09 PM  
**To:** Hupp, Millan <[hupp.millan@epa.gov](mailto:hupp.millan@epa.gov)>  
**Subject:** EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Millan Hupp

**To:** Fitzpatrick, Sam[fitzpatrick.sam@epa.gov]  
**Cc:** Inge, Carolyn[Inge.Carolyn@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Fri 10/13/2017 9:31:19 PM  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.  
Bolen ethics travel for 9-28-17.pdf

Hi Sam,  
Here you go! Thanks for helping Carolyn explain to me what you guys needed.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fitzpatrick, Sam  
**Sent:** Thursday, October 12, 2017 12:56 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Inge, Carolyn <Inge.Carolyn@epa.gov>  
**Subject:** FW: Ethics form for Brittany Bolen Indiana IN.

Hi Justina,  
  
I need an updated approved Ethics form. Currently it states the amounts under 'In Kind' but those amounts should be 'In Cash'. The total should be \$660.09; Common Carrier \$533.80, Meals \$40.50, Local Transportation \$71.04, and Other \$14.75

Thank you,  
  
Samuel C Fitzpatrick, MBA  
Office of Controller, CFC  
Special Emphasis NAH Program Manager  
Helpdesk: 513-487-2346  
Direct: (513) 487-2027

---

**From:** Fitzpatrick, Sam  
**Sent:** Thursday, October 12, 2017 12:51 PM  
**To:** Inge, Carolyn <Inge.Carolyn@epa.gov>  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.

I need an updated approved Ethics form. Currently it states the amounts under 'In Kind' but those amounts should be 'In Cash'. The total should be \$660.09; Common Carrier \$533.80, Meals \$40.50, Local Transportation \$71.04, and Other \$14.75

Thank you,  
  
Samuel C Fitzpatrick, MBA  
Office of Controller, CFC  
Special Emphasis NAH Program Manager

**From:** Inge, Carolyn  
**Sent:** Thursday, October 12, 2017 12:34 PM  
**To:** Fitzpatrick, Sam <fitzpatrick.sam@epa.gov>  
**Subject:** FW: Ethics form for Brittany Bolen Indiana IN.  
**Importance:** High

Hi, Sam

Justina prepared the Ethics form for Brittany Bolen travel to Indianapolis, IN. on Sept. 27-28, 2017, maybe I didn't expand to her correctly on what you needed from her. Please send her a email and cc: me so that I will know that it's complete.  
Thanks

Carolyn Inge  
US Environmental Protection Agency  
Office of Policy  
1301 Constitution Avenue NW  
Washington, DC 20004  
(202) 566-2845-Work

**From:** Fugh, Justina  
**Sent:** Monday, October 09, 2017 6:05 PM  
**To:** Inge, Carolyn <Inge.Carolyn@epa.gov>  
**Cc:** Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.

Is this the form you mean? You need to MUCH MORE SPECIFIC about the changes. What are the amounts to be entered, exactly? And why didn't the sponsor make the travel arrangements? Will they be reimbursing EPA or Brittany directly? Since I created this form for you, I will have to make the changes, but I don't know what you want.

Are any of these sources otherwise affected by EPA matters in which you participate? If "Yes," attach explanation (below). << OLE Object: Picture (Device Independent Bitmap)>> >>		No
Itemization of benefits << OLE Object: Picture (Device Independent Bitmap)>>		Amount & METHOD of payment << OLE Object: Picture (Device Independent Bitmap)>>
	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$447.40	\$0.00
Meals	\$54.00	\$0.00

Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees << OLE Object: Picture (Device Independent Bitmap) >>	\$0.00	\$0.00
Other (specify)	<u>\$0.00</u>	<u>\$0.00</u>

Sub Total \$501.40

Sub Total \$0.00

**TOTAL** << OLE Object: Picture (Device  
Independent Bitmap) >> << OLE Object:  
Picture (Device Independent Bitmap) >>  
<< OLE Object: Picture (Device  
Independent Bitmap) >> << OLE Object:  
Picture (Device Independent Bitmap) >>  
<< OLE Object: Picture (Device  
Independent Bitmap) >> **\$501.40**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

No

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**From:** Inge, Carolyn  
**Sent:** Friday, October 06, 2017 10:01 AM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.

This form need to be edit, the money need to go over to cash in the amount of \$660.09. Thanks

Carolyn Inge  
US Environmental Protection Agency  
Office of Policy  
1301 Constitution Avenue NW  
Washington, DC 20004  
(202) 566-2845-Work

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**From:** Fugh, Justina  
**Sent:** Thursday, September 21, 2017 1:42 PM  
**To:** Inge, Carolyn <[Inge.Carolyn@epa.gov](mailto:Inge.Carolyn@epa.gov)>  
**Subject:** here you go!

<< File: bolen trip.pdf >>



Status &gt;&gt;&gt;

Approved by Approving Official

&lt;&lt;&lt; Status


**EPA**

 Approval to Accept Travel  
Under Ethics Reform Act of 1989

**Event Location** Indianapolis, IN

**Travel Starts** 09/28/2017

**Event Sponsor(s)** Indiana Energy Association

**DEO** Brittany Bolen

**Employee Name** **Brittany Bolen**
**Title** Deputy Associate Administrator, OP

**Organization** OA

**Phone Number** 202-564-0000

☐ for-profit

☒ not for-profit

**Your Role**

Delivering remarks regarding the work of the agency's Regulatory Reform Task Force.

**Travel Ends**

09/28/2017

**Nature of Event**

Annual event to discuss energy and environmental issues important to Indiana.

**Spousal expenses included?**
☐ Yes ☒ No

**Who is the non-federal person(s) or entity(s) paying travel expenses?**
**Name:** Indiana Energy Association

**Address:** 1600 One American Square Indianapolis, IN 46282

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

association of electric power companies and natural gas companies in Indiana. It is not a federally registered lobbyist.

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved*

☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below).

**Itemization of benefits**
**Amount & METHOD of payment**

	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$0.00	\$533.80
Meals	\$0.00	\$40.50
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$71.04
Waiver of fees	\$0.00	\$0.00

Other (specify) \$0.00 \$14.75

Sub Total \$0.00

Sub Total \$660.09

**TOTAL →→→→→ \$660.09**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

☐ Yes ☒ No

**Any other explanations or attachments** ⓘ

Approving Official's Certification

Approved By: Justina Fugh

Date:10/13/2017

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL : OGC/Ethics updated previously approved report to reflect corrections.

Additional Attachments / Explanations:

**To:** Hanson, Paige (Catherine)[hanson.catherine@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 12/6/2017 1:17:49 AM  
**Subject:** RE: Two Events

Hi Paige,  
Oh, it was fun to chat with you and Kelsi! You raised these two questions during our meeting, and I gave you oral advice that you could attend them both. But here is your determination in writing:

1. This evening, the Finnish Embassy is celebrating their national day in celebration of their centennial. Ex. 6 - Personal Privacy  
Ex. 6 - Personal Privacy  
JUSTINA: Yes, you may attend this event. There are several reasons why you may attend, though you just need one. The one we discussed is that the invitation was extended to Ex. 6 - Personal Privacy and there is a gift exception for a gift based on a “personal relationship,” and the facts support allowing you to go with Ex. 6 - Personal Privacy (of course!). 5 CFR 2635.204(b).
2. This Saturday, I’ve been invited to a Christmas party at the home of a registered lobbyist. I have no reason to believe he has any business before the EPA, and in my capacity in OCFO, I would not have any influence over anything related to his company.

JUSTINA: You are a pledge signer so you know that you must be especially wary of gifts from federally registered lobbyists. But in this case, you indicated to me that the invitation was not extended to you because of your EPA position. Since the host is a friend, I said that we could again apply the gift exception for a gift based on a “personal relationship” at 5 CFR 2635.204(b), which is an exception also to the Trump Ethics Pledge.

Thanks for asking!  
justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Hanson, Paige (Catherine)  
**Sent:** Tuesday, December 05, 2017 5:45 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Two Events

- Justina,
- Thank you for being so generous with your time and walking us through the ethics training. As mentioned, I have two upcoming events I’d like your guidance on:
1. This evening, the Finnish Embassy is celebrating their national day in celebration of their centennial. My husband was invited, has cleared it with his ethics office, and was given a plus one (me).
  2. This Saturday, I’ve been invited to a Christmas party at the home of a registered lobbyist. I have no reason to believe he has any business before the EPA, and in my capacity in OCFO, I would not have any influence over anything related to his company.

Many thanks,  
Paige

Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 10/5/2017 2:42:04 AM  
**To:** Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]; Ross, Margaret [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=38caf91847dd4f95810c1f96d918871c-Ross, Margaret]; Keith, Jennie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=79c2d25e4dfe45ceaf788a87f714cc0f-JKEITH]; Duross, Jeanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1771ddaf869f40998535d410e5b1a93e-Jduross]  
**Subject:** Andrew Wheeler  
**Attachments:** Wheeler @EPA.DOCX

## Ex. 5 - Deliberative Process

**From:** Fugh, Justina  
**Sent:** Wednesday, October 04, 2017 10:40 PM  
**To:** 'Andrew Wheeler' [Ex. 6 - Personal Privacy]  
**Subject:** RE: new question

Hi,

I am delighted that you're asking about this sort of thing ... it augurs well for our future working relationship! I find that, in ethics, you don't know pitfalls unless you ask.

Yes, I have ethics concerns about this situation that will need to be navigated adroitly.

After you are sworn in, you will be an EPA employee and political appointee, subject to the Trump Ethics Pledge. This means that you cannot accept any gift that is offered to you from a prohibited source or because of your official position. I can argue that the send-off party is due to your leaving the firm as opposed to the particular position. But once an employee, you will be subject to the prohibition against accepting any gift from a federally registered lobbyist, which your firm certainly is. There is an exception, even from the lobbyist gift ban, for a gift given because of a personal relationship, and I suppose we can try to shoehorn this situation into that limited exception. But to do so, I have to stress that the firm should not focus on the job that you are going to but rather the fact that you are leaving. They should not use your EPA position or title in the invitation. And I recommend that you not invite EPA employees to attend in their official capacities. Certainly, no EPA political appointees can attend (because the sponsor is a federally registered lobbyist, after all, and they can't even attend a reception that is free if sponsored by a lobbyist).

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Andrew Wheeler [Ex. 6 - Personal Privacy]  
**Sent:** Wednesday, October 04, 2017 10:02 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** new question

My firm wants to give me a going away party, they prefer to do it after my confirmation (they don't want to jinx me). Do I need to get this approved ahead of time? Thanks.

- Andrew

**To:** Keith, Jennie[Keith.Jennie@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 11/28/2017 10:56:53 PM  
**Subject:** RE: Club for Growth Speaker Invitation

Okay. Thanks.

-----Original Message-----

From: Keith, Jennie  
Sent: Tuesday, November 28, 2017 4:52 PM  
To: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: FW: Club for Growth Speaker Invitation

## Ex. 5 - Deliberative Process

Jennie for OGC/Ethics

-----Original Message-----

From: Keith, Jennie  
Sent: Tuesday, November 28, 2017 4:45 PM  
To: Ford, Hayley <ford.hayley@epa.gov>  
Cc: Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: RE: Club for Growth Speaker Invitation

Hi Haley,

The Scheduling Office may accept the speaking invitation. However, OGC/Ethics will need to be kept in the loop for two reasons. First, this group has affiliations and engages in political activity, so we need to be mindful of the Hatch Act. Nothing in the initial invitation makes me think that there are Hatch Act concerns right now, but we need to keep it on the radar. Second, because the speaking time is so flexible, I want more information about the Administrator's attendance in anticipation of any gifts (lunchtime speaking slot); receptions he may be invited to, etc. The group is not a federally registered lobbyist.

Thanks!

Jennie for OGC/Ethics

-----Original Message-----

From: Ford, Hayley  
Sent: Monday, November 27, 2017 3:45 PM  
To: Keith, Jennie <Keith.Jennie@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>  
Subject: FW: Club for Growth Speaker Invitation

Hello Jennie and Justina,

Can you please review/approve the attached keynote speaking invitation? Thank you!

Hayley Ford

Deputy White House Liaison and Personal Aide to the Administrator Environmental Protection Agency  
ford.hayley@epa.gov  
Phone: 202-564-2022

Cell: 202-306-1296

-----Original Message-----

From: Virginia Galligan [mailto:VGalligan@clubforgrowth.org]

Sent: Thursday, November 9, 2017 5:19 PM

To: Ford, Hayley <ford.hayley@epa.gov>

Cc: Hupp, Millan <hupp.millan@epa.gov>

Subject: Re: Club for Growth Speaker Invitation

Thank you Hayley!

Attached is the form. Please let me know how I can be of additional assistance.

Best,

Virginia

646-499-1114

**To:** Kelly, Albert[kelly.albert@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 11/13/2017 8:03:17 PM  
**Subject:** RE: Dinner next week, November 16th at Jefferson Hotel. Topic: Puerto Rico's Recovery Efforts

Hi Kell,

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

The next issue is whether you could accept the gift of the free dinner from them. That decision is harder to justify based on the facts provided because I will need to know more details (e.g., how many people are invited, do they represent a diversity of interests, etc.). I could certainly contact Mr. DesRosiers in order to make an informed decision or, as you suggest, you could elect instead to pay for the meal out of your own pocket. So, even if you attend to represent EPA, because this event is local, you could still pay for it yourself.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Kelly, Albert  
**Sent:** Monday, November 13, 2017 7:58 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Dinner next week, November 16th at Jefferson Hotel. Topic: Puerto Rico's Recovery Efforts

**Ex. 5 - Deliberative Process**

I would pay for my meal. Am I correct in this and can I attend under those circumstances?

Albert Kelly  
Senior Advisor to the Administrator  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
202 306 8830

**From:** David DesRosiers [mailto:[d-desrosiers@realclearpolitics.com](mailto:d-desrosiers@realclearpolitics.com)]  
**Sent:** Friday, November 10, 2017 4:09 PM  
**To:** Kelly, Albert <kelly.albert@epa.gov>  
**Cc:** Jerry Rogers <[jrogers@realclearpolicy.com](mailto:jrogers@realclearpolicy.com)>  
**Subject:** Dinner next week, November 16th at Jefferson Hotel. Topic: Puerto Rico's Recovery Efforts

Kelly,

As we consider policy options for responding to Puerto Rico's State of Emergency, Washington needs to get a handle on the actual conditions on the ground, and give broad, public expression to hard truths.

On Thursday, November 16<sup>th</sup>, RealClear is holding a private dinner at the Jefferson Hotel, inaugurating a series of conversations on Puerto Rico's recovery. I hope you will join us.

Getting the lights back on is obviously a first priority. We'd like to introduce another front for the EPA, FEMA, and Congress to consider. Even before the hurricanes, Puerto Rico's waste management infrastructure was a Superfund disaster. 10 years ago, the EPA stated "Puerto Rico's landfills... pose a serious threat to the environment and to the public health."



Our guest, Hiram J. Torres Montalvo, co-founder of Puerto Rico Limpio, comes to our table direct from Puerto Rico with a warning of the environmental dangers posed in the aftermath of these catastrophic storms.

Not to leave you in suspense, it turns out that Island has plenty of potential sites to handle the waste challenges of the cleanup and beyond. What's lacking is awareness of the problem and the existence of available solutions. In a word, leadership.

This is why we are having this dinner and want you at our table. Please say yes ASAP and secure your seat at next week's event.

This American Commonwealth needs our fully informed attention if it is to recover stronger than before.

Sincerely,

David DesRosiers  
President  
Real Clear Foundation

Ex. 6 - Personal Privacy

**Details:**

Date: Thursday, November 16<sup>th</sup>

Time: 6:30 PM - 9:00 PM

Location: Jefferson Hotel, 1200 16th St NW, Washington, DC 20036

**To:** Hupp, Millan[hupp.millan@epa.gov]  
**Cc:** Chmielewski, Kevin[chmielewski.kevin@epa.gov]; McMurray, Forrest[mcmurray.forrest@epa.gov]; Davis, Gail[Davis.Gail@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 8/7/2017 7:09:40 PM  
**Subject:** RE: North Dakota  
[paper ET blank form.pdf](#)

Hi Millan,  
Oh, Gail and I can figure it out if we know who is traveling. I'm going to assume that you can't access Lotus Notes, so here is the form that I will use to enter the information into our tracking database. If you can tell Gail the pertinent info, she and I can make sure we take care of all of the travelers.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

-----Original Message-----

From: Hupp, Millan  
Sent: Monday, August 07, 2017 3:39 AM  
To: Fugh, Justina <Fugh.Justina@epa.gov>  
Cc: Chmielewski, Kevin <chmielewski.kevin@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
Subject: Re: North Dakota

Justina -- when do we need to get this done? Could you kindly send the form so I can hopefully complete today?

Thank you very much,  
Millan

Sent from my iPhone

> On Aug 3, 2017, at 10:26 AM, Fugh, Justina <Fugh.Justina@epa.gov> wrote:  
>  
> Yes, but all EPA members will need to do an ethics travel form. Gail and I can help with that if you tell us who is traveling.  
>  
> Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772  
>  
>  
>  
>  
> -----Original Message-----  
> From: Hupp, Millan  
> Sent: Thursday, August 03, 2017 10:18 AM  
> To: Fugh, Justina <Fugh.Justina@epa.gov>  
> Cc: Chmielewski, Kevin <chmielewski.kevin@epa.gov>; McMurray, Forrest <mcmurray.forrest@epa.gov>  
> Subject: North Dakota

>  
> Justina,  
>  
> Similar to this week, the Governor has invited the Administrator and a couple members of his team to travel via state plane from Fargo to Grand Forks on Wednesday, August 9th in order to stick to a tight schedule.  
>  
> Confirming that this is permitted.  
>  
> Thank you,  
> Millan  
>  
> Sent from my iPhone

Status &gt;&gt;&gt;

New Form

&lt;&lt;&lt; Status

Traveler Information (click here to open/close)

**EPA**Approval to Accept Travel  
Under Ethics Reform Act of 1989

Event Location

Traveler's Role ⓘ

☐ Official Duty    ☐ Outside Activity

Travel Starts

Travel Ends

Event Sponsor(s)

Purpose of Event ⓘ

ⓘ

DEO or designee

Employee Name ⓘ

Spousal expenses  
included?
☐ Yes    ☒ No

Title

Organization

Phone Number

Who is the non-federal person(s) or entity(s) paying travel expenses? ⓘ

Name of Organization:

Address:

What kind of entity is this? ⓘ

- ☐ for-profit    ☐ state/local government    ☐ College/University  
☐ not for-profit    ☐ foreign government    ☐ Other (explain below)

**Describe the entity (source) paying travel expenses.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. (You can attach files below.)

do not omit this explanation!!!!

Is this source a party to a matter that is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? If "Yes", then acceptance of travel expenses cannot be approved

☐ Yes    ☐ No

Is this source paying the travel through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? If "Yes", then acceptance of travel expenses cannot be approved ⓘ

☐ Yes    ☐ No

Is this source otherwise affected by EPA matters in which you participate?

☐ Yes    ☐ No

If "Yes," describe the matter and attach explanation (below). ⓘ

Itemization of benefits ⓘ

Amount &amp; METHOD of payment ⓘ

	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$0.00	\$0.00
Meals	\$0.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees ⓘ	\$0.00	\$0.00
Other (specify)	<u>\$0.00</u>	<u>\$0.00</u>
Sub Total	\$0.00	Sub Total \$0.00

**TOTAL** →→→→→ \$0.00

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?**

(see <http://www.gsa.gov> for per diem rates)

☐ Yes ☒ No

**Any other explanations or attachments** ⓘ

**Traveler's Certification**

By: ⓘ

Date:

**To:** Ford, Hayley[ford.hayley@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 10/30/2017 7:54:55 PM  
**Subject:** RE: Evening with President Trump in Dallas – October 25th

Thanks!

**From:** Ford, Hayley  
**Sent:** Monday, October 30, 2017 3:54 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Jackson, Ryan <jackson.ryan@epa.gov>; Minoli, Kevin <Minoli.Kevin@epa.gov>  
**Subject:** RE: Evening with President Trump in Dallas – October 25th

He did not. Thanks!

*Hayley Ford*  
Deputy White House Liaison and Personal Aide to the Administrator  
Environmental Protection Agency  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: 202-306-1296

**From:** Fugh, Justina  
**Sent:** Monday, October 30, 2017 3:52 PM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** RE: Evening with President Trump in Dallas – October 25th

Hi Hayley,  
Let me know if Mr. Pruitt attended this event or not. If he did, I need to connect with them about the travel costs.  
Thanks,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Ford, Hayley  
**Sent:** Wednesday, October 18, 2017 4:28 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>; Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** RE: Evening with President Trump in Dallas – October 25th

Justina,

Per your message below, I wanted to follow up with a few items.	<b>Ex. 5 - Deliberative Process</b>
<b>Ex. 5 - Deliberative Process</b>	I've spoken to the hosts and they are aware of the below. I'll make sure they also have a copy of the ground rules. He will not be making any sort of speech or remarks, just attending. We will also make sure he has a copy of the rules, which I have already gone over with him when I presented this event. The EPA will not be paying for his travel costs and once we settle on travel logistics, I will make sure I work with Gail and you on any necessary reimbursement.

Please advise if you need anything further from me before giving your approval.

Thank you!

*Hayley Ford*

Deputy White House Liaison  
Office of the Administrator  
Environmental Protection Agency  
Room: 3309C William Jefferson Clinton North  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: 202-306-1296

---

**From:** Fugh, Justina  
**Sent:** Tuesday, October 17, 2017 7:06 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Cc:** Minoli, Kevin <[Minoli.Kevin@epa.gov](mailto:Minoli.Kevin@epa.gov)>  
**Subject:** FW: Evening with President Trump in Dallas – October 25th

Hi Ryan,

As this event is clearly a political event, we have to consider the implications of the Hatch Act. Mr. Pruitt may attend, but since it's a fundraising event, he can do so only in his personal capacity. He cannot use or make reference to – and the sponsoring organization cannot use or make reference to – his EPA position or title. He cannot give an official EPA speech and cannot ask for political contributions. In addition, we cannot use EPA money to pay for his travel expenses. Instead, the sponsor will have to cover all of his travel costs (or he has to pay out of his own pocket). I work with Gail Davis to ascertain the costs and then issue a bill to the political group for repayment. EPA can pay for the travel for the security detail, however.

Does he want to go?

Just for your information, I've attached the "ground rules" we use when an Administrator has been invited to speak at political events in the past. If, as you suspect, these sorts of invitations will occur with more frequency, then perhaps you can take a look at the guidance on "how to review political invitations" that outlines how we've reviewed such invitations in the past. If this works for you, Kevin C and Millan, then we can continue this process.

Best,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Ford, Hayley  
**Sent:** Monday, October 16, 2017 6:29 PM  
**To:** Ryan Jackson ([jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)) <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** FW: Evening with President Trump in Dallas – October 25th

FYI – **Ex. 5 - Deliberative Process**

*Hayley Ford*

Deputy White House Liaison  
Office of the Administrator  
Environmental Protection Agency  
Room: 3309C William Jefferson Clinton North  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)

Phone: 202-564-2022

Cell: 202-306-1296

---

**From:** Ronna McDaniel - RNC Chairman [<mailto:Ronna.McDaniel@gop.com>]

**Sent:** Monday, October 16, 2017 2:09 PM

**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>

**Cc:** Adrienne Gamez - Finance <[AGamez@gop.com](mailto:AGamez@gop.com)>

**Subject:** Evening with President Trump in Dallas – October 25th

Hayley,

I hope that Administrator Pruitt will be able to join President Trump and me in Dallas on October 25<sup>th</sup> for a Trump Victory dinner reception. I would love to have him attend as my guest. The invitation is attached. The exact time and location of the event will be released closer to the event date; however, for planning purposes, the event will take place in the late afternoon/early evening in downtown Dallas.

If you have any questions or would like to RSVP, please contact Adrienne Gamez (copied) at [AGamez@gop.com](mailto:AGamez@gop.com) or Ex. 6 - Personal Privacy

Best,  
Ronna

Ronna McDaniel, RNC Chairman



**To:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**Cc:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]; Ross, Margaret[Ross.Margaret@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 9/6/2017 1:38:01 PM  
**Subject:** RE: Federal Government General Counsels' Reception and Networking Event hosted by American University Washington College of Law - October 4, 2017

Hi Kevin,  
Justin Schwab also asked about this invitation, so I have that answer already:

I am horrified, I say, HORRIFIED that this organization does not know how to spell the word *hors d'oeuvres*! They wrote "hors d'ouerves" ... seriously?? Does no one spell check anymore? I shouldn't allow you to attend this event given their blatant disregard of the social niceties.

Yes, you may attend as we have no issues about federally registered lobbyists with this event. But remember, you must pay for any transportation costs yourself. You can't ask EPA to pick up those costs.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Minoli, Kevin  
**Sent:** Tuesday, September 05, 2017 7:45 PM  
**To:** Duross, Jeanne <Duross.Jeanne@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>; Ross, Margaret <Ross.Margaret@epa.gov>  
**Subject:** FW: Federal Government General Counsels' Reception and Networking Event hosted by American University Washington College of Law - October 4, 2017

Hi Ethics Team- Could you please review the attached invitation and let me know if I may attend (and any ethics-related considerations to be mindful of if I do)? Thank you, Kevin

**Kevin S. Minoli**  
Acting General Counsel  
Office of General Counsel  
US Environmental Protection Agency  
Main Office Line: 202-564-8040

---

**From:** Diana Sawyer [<mailto:dsawyer@wcl.american.edu>] **On Behalf Of** Andy Popper  
**Sent:** Tuesday, September 05, 2017 3:51 PM  
**Subject:** Federal Government General Counsels' Reception and Networking Event hosted by American University Washington College of Law - October 4, 2017

\*\*\*If you are unable to view the image below, please open the attached PDF.\*\*\*  
\*\*\*If you have any issues accessing the registration form, please email [lawandgov@wcl.american.edu](mailto:lawandgov@wcl.american.edu).\*\*\*



The Program on Law and Government at  
American University Washington College of Law  
Invites You to Join us for a

## Federal Government General Counsels' Reception and Networking Event

Fireside chat with

**Hon. Stephen Williams**, U.S. Court of Appeals for the D.C. Circuit

**Hon. Jay Byler**, U.S. Court of Appeals for the Federal Circuit

Moderated by:

Andrew Popper, Ann Loeb Bronfman  
Distinguished Professor of Law and Government

Welcoming remarks by:

Fernando Laguarda, Director, Program on Law and Government

Wednesday, October 4, 2017

Reception and heavy hors d'ouerves, 6:30 p.m.

Fireside chat and networking to follow

American University Washington College of Law

Claudio Grossman Hall

4300 Nebraska, Ave. NW Washington, DC

There is no charge for registration, but RSVPs are required.  
To RSVP, please visit [bit.ly/auwclGeneralCounsels2017](http://bit.ly/auwclGeneralCounsels2017).

Bronfman Professor of Law and Government  
American University, Washington College of Law  
4300 Nebraska Ave. NW.  
Washington DC 20016  
202-274-4233

**To:** Davis, Gail[Davis.Gail@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 10/4/2017 3:55:47 PM  
**Subject:** FW: Administrator visit to GE additive manufacturing facility

You know the drill, Gail. We need the ethics travel forms for Pruitt and Hupp (or whoever is with him) for the gift of lunch from GE today. Price is \$15 per person (Roger said the sandwiches are only about \$10 per person, but I want to be sure that we include drinks and chips). And, of course, you'll need to back out the meals from their vouchers.  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fugh, Justina  
**Sent:** Wednesday, October 04, 2017 11:54 AM  
**To:** 'Martella, Roger(GE Corporate)' <Roger.Martella@ge.com>  
**Cc:** Davis, Gail <Davis.Gail@epa.gov>; Keith, Jennie <Keith.Jennie@epa.gov>  
**Subject:** FW: Administrator visit to GE additive manufacturing facility

Hi Roger,  
Thanks for the call. You confirmed that the price of each lunch will be less than \$20. So, for any career person who is attending with the Administrator, that person may accept the meal under the gift exception at 5 CFR 2635.204(a). But because this is not a formal speaking occasion, the Administrator and any other political appointees in attendance will need OGC/ethics approval.

Please proceed with offering the lunch to the Administrator and his staff.

OGC/Ethics is approving the meals under 31 USC 1353, and will follow up with the Administrator's travel team accordingly.

Best,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Fugh, Justina  
**Sent:** Wednesday, October 04, 2017 11:45 AM  
**To:** 'Martella, Roger(GE Corporate)' <Roger.Martella@ge.com>  
**Cc:** Fitzpatrick, Michael (GE Corporate) <michael.fitzpatrick@ge.com>; Meyers, Tim (GE Aviation, US) <tim.meyers@ge.com>  
**Subject:** RE: Administrator visit to GE additive manufacturing facility

Hi Roger,  
What a joy to hear from you under any circumstances! I love that you continue to think keenly about federal ethics issues!

As you know, the Administrator is in a Presidentially Appointed Senate confirmed position and thus signed the Trump

Ethics Pledge pursuant to Executive Order 13,770. He is prohibited from accepting any gift whatsoever from a federally registered lobbyist, which GE certainly is. Interestingly, the lobbyist gift ban is identical to language in the Obama ethics pledge, so the Office of Government Ethics and I have 8.5 years of experience interpreting what it means.

Even though you believe the cost of this meal is going to be less than \$20, the ethics pledge prohibits Mr. Pruitt from accepting any gift from a federally registered lobbyist. Consequently, as you surmised, that particular gift exception does not apply. That leaves two other possibilities: the one you suggested, which requires my approval in advance to accept the gift of the meal under 31 USC 1353, or an exclusion for speakers at 5 CFR 2635.203(b)(8)(i).

Will Mr. Pruitt be speaking at the luncheon event, or otherwise presenting information on behalf of EPA? If he is giving a speech, then I can apply the gift exclusion at 5 CFR 2635.203(b)(8)(i). If he's not formally speaking, then I can work with the Administrator's travel team separately to approve acceptance under 31 USC 1353.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

---

**From:** Martella, Roger (GE Corporate) [<mailto:Roger.Martella@ge.com>]

**Sent:** Wednesday, October 04, 2017 5:24 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Fitzpatrick, Michael (GE Corporate) <[michael.fitzpatrick@ge.com](mailto:michael.fitzpatrick@ge.com)>; Meyers, Tim (GE Aviation, US) <[tim.meyers@ge.com](mailto:tim.meyers@ge.com)>

**Subject:** Administrator visit to GE additive manufacturing facility

Hi Justina, I hope you and your family are doing well! The administrator is visiting GE's additive technology center today to learn about the future of additive manufacturing, the transformation of manufacturing, and impacts on the environment, health and safety. This is purely an educational trip and tour; we do not have any asks or requests for the Administrator.

He is arriving at 12:30 so we were planning to serve some basic sandwiches, chips, and sodas from a place like Subway. I understand President Trump's Executive Order applies to his appointees and includes a gift ban. Under the ban, an appointee may not accept a gift from a registered lobbyist or lobbying organization. GE is a registered lobbying organization. A meal is considered a "gift" under the definition of "gift" referenced in the ban. However, the definition of "gift" excludes "subsistence" in connection with "an employee's attendance at a meeting or similar function relating to the employee's official duties which take place away from the employee's duty station" provided that the agency accepts (see Section 2635.203(b) of title 5, Code of Federal Regulations 2635.203(b)(9)(i)).

Accordingly, we would recommend your opinion on whether GE's payment for lunch will be acceptable under this exclusion. I don't anticipate the cost of the meal would exceed \$20.

Thank you as always for your help and please let me know if you have any questions. Roger

**To:** Inge, Carolyn[Inge.Carolyn@epa.gov]  
**Cc:** Jennie Keith[Keith.Jennie@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Mon 10/9/2017 10:04:37 PM  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.

Is this the form you mean? You need to MUCH MORE SPECIFIC about the changes. What are the amounts to be entered, exactly? And why didn't the sponsor make the travel arrangements? Will they be reimbursing EPA or Brittany directly? Since I created this form for you, I will have to make the changes, but I don't know what you want.

Are any of these sources otherwise affected by EPA matters in which you participate? If "Yes," attach explanation (below).		No
<b>Itemization of benefits</b>	<b>Amount &amp; METHOD of payment</b>	
	<b>IN KIND</b> ticket, meals etc., est. the \$	<b>IN CASH</b> must be a check etc. made out to EPA
Common carrier transportation	\$447.40	\$0.00
Meals	\$54.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees	\$0.00	\$0.00
Other (specify)	\$0.00	\$0.00
	Sub Total \$501.40	Sub Total \$0.00
	<b>TOTAL \$501.40</b>	
(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)		
<b>Does this amount exceed the amount payable under Federal Travel Regulations?</b>		No

**From:** Inge, Carolyn  
**Sent:** Friday, October 06, 2017 10:01 AM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** RE: Ethics form for Brittany Bolen Indiana IN.

This form need to be edit, the money need to go over to cash in the amount of \$660.09. Thanks

Carolyn Inge  
US Environmental Protection Agency  
Office of Policy  
1301 Constitution Avenue NW  
Washington, DC 20004  
(202) 566-2845-Work

**From:** Fugh, Justina  
**Sent:** Thursday, September 21, 2017 1:42 PM  
**To:** Inge, Carolyn <Inge.Carolyn@epa.gov>  
**Subject:** here you go!

<< File: bolen trip.pdf >>

Message

**From:** Fugh, Justina [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=54AFBE2E36D3481C8C52D27BA3979D47-JFUGH]  
**Sent:** 7/8/2017 12:48:32 AM  
**To:** Wright, Garth [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ddd989c5f92f4222ad34e22f6fc8cc39-Wright, Gar]  
**CC:** Duross, Jeanne [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=1771ddaf869f40998535d410e5b1a93e-Jduross]; Fort, Daniel [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=f2bb4d69d03d4139ada09111b3f80b7f-Dfort]; Griffo, Shannon [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6c901eb2c3ba4556a4a581b8816d5a9a-Vallance, Shannon]  
**Subject:** FW: EPA visit to Prudhoe Bay  
**Attachments:** WHC Memo - Use of Company Aircraft and Accommodations 04-01-2010.pdf

Hi,

**Ex. 6 - Personal Privacy**

Ex. 6 - Personal Privacy

**Ex. 5 - Deliberative Process**

My grateful thanks to Garth for noting it since the HQ travelers weren't alert to the situation yet.

ISSUE:

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

JUSTINA:

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

WHAT TO DO:

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

COMPLICATION?

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**Subject:** RE: EPA visit to Prudhoe Bay

# Ex. 5 - Deliberative Process

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**From:** Wright, Garth  
**Sent:** Friday, July 07, 2017 4:51 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: EPA visit to Prudhoe Bay

Hi Justina – before I go further with the below, I wanted to check in and make sure we aren't doing the same work. Have you been informed of this trip by any of the 4 senior advisors referenced below?

---

**From:** Shaw, Hanh  
**Sent:** Friday, July 07, 2017 1:47 PM  
**To:** Wright, Garth <[wright.garth@epa.gov](mailto:wright.garth@epa.gov)>  
**Cc:** Tyler, Kendra <[Tyler.Kendra@epa.gov](mailto:Tyler.Kendra@epa.gov)>  
**Subject:** EPA visit to Prudhoe Bay



Garth,

I am writing to request an ethics consultation for a trip to Prudhoe Bay on Sunday, August 12. The tentative EPA participants include four senior advisors to the Administrator (Ken Wagner, Kell Kelly, Tate Bennett, and Troy Lyons), Michelle Pirzadeh, myself, and Tami Fordham/Dennis Wagner. We will fly to/from Anchorage and Prudhoe Bay via Alaska Airlines. The visit would include a tour of the Prudhoe Bay oil fields and infrastructure, and a trip to ConocoPhillips' Alpine development project, located near the National Petroleum Reserve-Alaska, approximately 60 miles west and only accessible by air. We are not able to rely on commercial airline services provided by Ravn Alaska between Prudhoe Bay and the village of Nuiqsut (about 6 miles from Alpine) because of limited flight options.

## Ex. 5 - Deliberative Process

I would really appreciate your thoughts on the issues above as soon as possible. Thank you, and please let me know if you have any questions.

---

**Hanh Shaw** | Acting Manager  
Aquatic Resources Unit  
Office of Environmental Review and Assessment  
U.S. Environmental Protection Agency | Region 10  
P: 206-553-0171 | E: [shaw.hanh@epa.gov](mailto:shaw.hanh@epa.gov)

**To:** Wright, Garth[wright.garth@epa.gov]  
**Cc:** Duross, Jeanne[Duross.Jeanne@epa.gov]; Griffo, Shannon[Griffo.Shannon@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 8/2/2017 12:04:04 AM  
**Subject:** RE: EPA visit to Prudhoe Bay

Well, that’s happy news for me for now!

**From:** Wright, Garth  
**Sent:** Tuesday, August 01, 2017 7:59 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Cc:** Duross, Jeanne <Duross.Jeanne@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** RE: EPA visit to Prudhoe Bay

THIS JUST IN: Now, apparently, the trip is postponed. I literally just received the news – no idea whether it will be rescheduled (and, if so, when).

Sorry!

**From:** Fugh, Justina  
**Sent:** Tuesday, August 01, 2017 4:57 PM  
**To:** Wright, Garth <wright.garth@epa.gov>  
**Cc:** Duross, Jeanne <Duross.Jeanne@epa.gov>; Griffo, Shannon <Griffo.Shannon@epa.gov>  
**Subject:** RE: EPA visit to Prudhoe Bay

Thanks, Garth.

Jeanne and Shannon – **Ex. 5 - Deliberative Process**

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

**From:** Wright, Garth  
**Sent:** Tuesday, August 01, 2017 11:23 AM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: EPA visit to Prudhoe Bay

From the program contact:

# Ex. 5 - Deliberative Process

---

**From:** Wright, Garth

**Sent:** Monday, July 31, 2017 8:45 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: EPA visit to Prudhoe Bay

# Ex. 5 - Deliberative Process

---

**From:** Fugh, Justina

**Sent:** Friday, July 28, 2017 11:31 AM

**To:** Wright, Garth <[wright.garth@epa.gov](mailto:wright.garth@epa.gov)>

**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: EPA visit to Prudhoe Bay

Who is going on the trip from HQ?

---

**From:** Wright, Garth

**Sent:** Thursday, July 27, 2017 6:04 PM

**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>

**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** RE: EPA visit to Prudhoe Bay

Hello all:

I have finally been able to gather all the information necessary to (I think) sufficiently complete the 2610-3 ethics travel form. I am offering the information here for your preliminary review so I can know what else, if anything, I need to get from the RA's office. Once you are satisfied, I will instruct the 3 career employees here in the region to submit forms for formal approval.

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

Thank you for your help!

Garth

**From:** Fugh, Justina

**Sent:** Friday, July 07, 2017 5:49 PM

**To:** Wright, Garth <[wright.garth@epa.gov](mailto:wright.garth@epa.gov)>

**Cc:** Duross, Jeanne <[Duross.Jeanne@epa.gov](mailto:Duross.Jeanne@epa.gov)>; Fort, Daniel <[Fort.Daniel@epa.gov](mailto:Fort.Daniel@epa.gov)>; Griffo, Shannon <[Griffo.Shannon@epa.gov](mailto:Griffo.Shannon@epa.gov)>

**Subject:** FW: EPA visit to Prudhoe Bay

Hi,

Ex. 6 - Personal Privacy

Ex. 5 - Deliberative Process

My grateful thanks to Garth for noting it since the

HQ travelers weren't alert to the situation yet.

ISSUE:

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

JUSTINA:

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

WHAT TO DO:

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

COMPLICATION?

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

BOTTOM LINE:

Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson

**Subject:** RE: EPA visit to Prudhoe Bay

# Ex. 5 - Deliberative Process

---

**From:** Wright, Garth  
**Sent:** Friday, July 07, 2017 4:51 PM  
**To:** Fugh, Justina <[Fugh.Justina@epa.gov](mailto:Fugh.Justina@epa.gov)>  
**Subject:** FW: EPA visit to Prudhoe Bay

Hi Justina – before I go further with the below, I wanted to check in and make sure we aren’t doing the same work. Have you been informed of this trip by any of the 4 senior advisors referenced below?

---

**From:** Shaw, Hanh  
**Sent:** Friday, July 07, 2017 1:47 PM  
**To:** Wright, Garth <[wright.garth@epa.gov](mailto:wright.garth@epa.gov)>  
**Cc:** Tyler, Kendra <[Tyler.Kendra@epa.gov](mailto:Tyler.Kendra@epa.gov)>  
**Subject:** EPA visit to Prudhoe Bay

Garth,

I am writing to request an ethics consultation for a trip to Prudhoe Bay on Sunday, August 12. The tentative EPA participants include four senior advisors to the Administrator (Ken Wagner, Kell Kelly, Tate Bennett, and Troy Lyons), Michelle Pirzadeh, myself, and Tami Fordham/Dennis Wagner. We will fly to/from Anchorage and Prudhoe Bay via Alaska Airlines. The visit would include a tour of the Prudhoe Bay oil fields and infrastructure, and a trip to ConocoPhillips’ Alpine development project, located near the National Petroleum Reserve-Alaska, approximately 60 miles west and only accessible by air. We are not able to rely on commercial airline services provided by Ravn Alaska between Prudhoe Bay and the village of Nuiqsut (about 6 miles from Alpine) because of limited flight options.

# Ex. 5 - Deliberative Process

# Ex. 5 - Deliberative Process

I would really appreciate your thoughts on the issues above as soon as possible. Thank you, and please let me know if you have any questions.

---

**Hanh Shaw** | Acting Manager  
Aquatic Resources Unit  
Office of Environmental Review and Assessment  
U.S. Environmental Protection Agency | Region 10  
P: 206-553-0171 | E: [shaw.hanh@epa.gov](mailto:shaw.hanh@epa.gov)

**To:** Morris, Madeline[morris.madeline@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 6/27/2017 9:39:54 PM  
**Subject:** RE: Ethics Approval Request

Hi Maddy,

I need a little time on this one.

**Ex. 5 - Deliberative Process**

**Ex. 5 - Deliberative Process**

Stay tuned!

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Morris, Madeline  
**Sent:** Tuesday, June 27, 2017 1:16 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** Ethics Approval Request

Hi Justina,

Just looking for approval for the Administrator to speak at this event. Thanks!

Best,  
Maddy

Madeline Morris Executive Scheduler | Office of the Administrator | direct: 202-564-0844 | cell: 202-579-4283

**To:** Aarons, Kyle[Aarons.Kyle@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 8/23/2017 12:17:21 AM  
**Subject:** and here is the one from Ethics  
[Travel approval for Scott Pruitt on 8-9-17.pdf](#)  
[Travel approval for Nino Perrotta on 8-9-17.pdf](#)  
[Travel approval for Millan Hupp on 8-9-17.pdf](#)

Hi Kyle,  
Attached are the approved travel form for the Administrator and two other EPA employees to accept transportation on a plane owned by the State of North Dakota.

# Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772



Status &gt;&gt;&gt;

Approved by Approving Official

&lt;&lt;&lt; Status


**EPA**

 Approval to Accept Travel  
Under Ethics Reform Act of 1989

**Event Location** Grand Forks, ND

**Travel Starts** 08/09/2017

**Event Sponsor(s)** University of North Dakota

**DEO** Justina Fugh

**Employee Name** Millan Hupp

**Title** Director for Scheduling and Advance

**Organization** OA

**Phone Number** 202-564-0000

☐ for-profit

☒ not for-profit

**Your Role** advance for the Administrator

**Travel Ends** 08/09/2017

**Nature of Event** roundtable discussion and tour of University of North Dakota's Environmental Research Center

**Spousal expenses included?** ☐ Yes ☒ No

**Who is the non-federal person(s) or entity(s) paying travel expenses?**
**Name:** State of North Dakota (Governor Doug Burgum)

**Address:** 600 East Boulevard Avenue Bismarck, ND 58505-0100

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

state governmental agency

Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved* ☐ Yes ☒ No

Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved* ☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate? ☐ Yes ☒ No

If "Yes," attach explanation (below).

**Itemization of benefits**
**Amount & METHOD of payment**

	IN KIND ticket, meals etc., est. the \$	IN CASH must be a check etc. made out to EPA
Common carrier transportation	\$596.80	\$0.00
Meals	\$0.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees	\$0.00	\$0.00
Other (specify)	\$0.00	\$0.00

Sub Total \$596.80

Sub Total \$0.00

**TOTAL →→→→→ \$596.80**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?** ☐ Yes ☒ No

**Any other explanations or attachments ⓘ**

The Governor of the State of North Dakota offered seats on the State-owned plane to transport the Administrator to this event. There is no government rate established for this route.

**Approving Official's Certification**

Approved By: Justina Fugh

Date:08/09/2017

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL :

Additional Attachments / Explanations:

Status &gt;&gt;&gt;

Approved by Approving Official

&lt;&lt;&lt; Status


**EPA**

 Approval to Accept Travel  
Under Ethics Reform Act of 1989

**Event Location** Grand Forks, ND

**Travel Starts** 08/09/2017

**Event Sponsor(s)** University of North Dakota

**DEO** Justina Fugh

**Employee Name** Scott Pruitt

**Title** Administrator

**Organization** OA

**Phone Number** 202-564-4700

☐ for-profit

☒ not for-profit

**Your Role**

Speaker and participant

**Travel Ends**

08/09/2017

**Nature of Event**

 roundtable discussion and tour of  
University of North Dakota's  
Environmental Research Center

**Spousal expenses included?**
☐ Yes ☒ No

**Who is the non-federal person(s) or entity(s) paying travel expenses?**
**Name:** State of North Dakota (Governor Doug Burgum)

**Address:** 600 East Boulevard Avenue Bismarck, ND 58505-0100

**Explain the interest of the source in the matters handled by your office.** If the source of the travel expenses is an organization, describe the membership of the organization. For example, the "Center for Sound Science" may be largely made up of companies which produce chemicals regulated by your program or interest groups who take a position on our policies or regulations. **This explanation is mandatory!** (You can attach files below.)

State governmental entity

 Are any of these sources a party to a matter which is pending before you for decision, such as a contract or assistance agreement matter, permit, license, etc.? *If "Yes", then acceptance of travel expenses cannot be approved*
☐ Yes ☒ No

 Is this travel being paid through an EPA contract, Federal assistance agreement OR FEDERAL GRANT (including a recipient's matching share)? *If "Yes", then acceptance of travel expenses cannot be approved*
☐ Yes ☒ No

Are any of these sources otherwise affected by EPA matters in which you participate?

☐ Yes ☒ No

If "Yes," attach explanation (below).

**Itemization of benefits**
**Amount & METHOD of payment**

	IN KIND	IN CASH
	ticket, meals etc., est. the \$	must be a check etc. made out to EPA
Common carrier transportation	\$773.80	\$0.00
Meals	\$0.00	\$0.00
Lodging	\$0.00	\$0.00
Local transportation	\$0.00	\$0.00
Waiver of fees	\$0.00	\$0.00
Other (specify)	\$0.00	\$0.00

Sub Total \$773.80

Sub Total \$0.00

**TOTAL →→→→→ \$773.80**

(NOTE: For travel outside the United States, different rules may apply. Check with your ethics advisor.)

**Does this amount exceed the amount payable under Federal Travel Regulations?** ☐ Yes ☒ No

**Any other explanations or attachments ⓘ**

The Governor of the State of North Dakota offered seats on the State-owned plane to transport the Administrator to this event. There is no government rate established for this route. This traveler is entitled to business class accommodation due to security concerns.

**Approving Official's Certification**

Approved By: Justina Fugh

Date:08/09/2017

☐ **Hold Pending Review**

NOTE FROM APPROVING OFFICIAL :

Additional Attachments / Explanations:

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**Cc:** Minoli, Kevin[Minoli.Kevin@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Tue 10/17/2017 11:06:25 PM  
**Subject:** FW: Evening with President Trump in Dallas – October 25th  
10 25 17 Dallas Trump Victory Dinner.pdf  
Ground rules revised 9-2017.doc  
HOW TO REVIEW POLITICAL INVITATIONS.doc

Hi Ryan,

As this event is clearly a political event, we have to consider the implications of the Hatch Act. Mr. Pruitt may attend, but since it's a fundraising event, he can do so only in his personal capacity. He cannot use or make reference to – and the sponsoring organization cannot use or make reference to – his EPA position or title. He cannot give an official EPA speech and cannot ask for political contributions. In addition, we cannot use EPA money to pay for his travel expenses. Instead, the sponsor will have to cover all of his travel costs (or he has to pay out of his own pocket). I work with Gail Davis to ascertain the costs and then issue a bill to the political group for repayment. EPA can pay for the travel for the security detail, however.

Does he want to go?

Just for your information, I've attached the "ground rules" we use when an Administrator has been invited to speak at political events in the past. If, as you suspect, these sorts of invitations will occur with more frequency, then perhaps you can take a look at the guidance on "how to review political invitations" that outlines how we've reviewed such invitations in the past. If this works for you, Kevin C and Millan, then we can continue this process.

Best,  
Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Jackson, Ryan  
**Sent:** Tuesday, October 17, 2017 2:17 PM  
**To:** Fugh, Justina <Fugh.Justina@epa.gov>  
**Subject:** FW: Evening with President Trump in Dallas – October 25th

## Ex. 5 - Deliberative Process

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**From:** Ford, Hayley  
**Sent:** Tuesday, October 17, 2017 10:08 AM  
**To:** Jackson, Ryan <jackson.ryan@epa.gov>  
**Subject:** FW: Evening with President Trump in Dallas – October 25th

Can you stop by when you're around today and we can quickly chat on this? Thanks!

*Hayley Ford*

Deputy White House Liaison

Office of the Administrator  
Environmental Protection Agency  
Room: 3309C William Jefferson Clinton North  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: 202-306-1296

---

**From:** Ford, Hayley  
**Sent:** Monday, October 16, 2017 6:29 PM  
**To:** Ryan Jackson ([jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)) <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** FW: Evening with President Trump in Dallas – October 25th

FYI – **Ex. 5 - Deliberative Process**

*Hayley Ford*  
Deputy White House Liaison  
Office of the Administrator  
Environmental Protection Agency  
Room: 3309C William Jefferson Clinton North  
[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)  
Phone: 202-564-2022  
Cell: 202-306-1296

---

**From:** Ronna McDaniel - RNC Chairman [<mailto:Ronna.McDaniel@gop.com>]  
**Sent:** Monday, October 16, 2017 2:09 PM  
**To:** Ford, Hayley <[ford.hayley@epa.gov](mailto:ford.hayley@epa.gov)>  
**Cc:** Adrienne Gamez - Finance <[AGamez@gop.com](mailto:AGamez@gop.com)>  
**Subject:** Evening with President Trump in Dallas – October 25th

Hayley,

I hope that Administrator Pruitt will be able to join President Trump and me in Dallas on October 25<sup>th</sup> for a Trump Victory dinner reception. I would love to have him attend as my guest. The invitation is attached. The exact time and location of the event will be released closer to the event date; however, for planning purposes, the event will take place in the late afternoon/early evening in downtown Dallas.

If you have any questions or would like to RSVP, please contact Adrienne Gamez (copied) at [AGamez@gop.com](mailto:AGamez@gop.com) or

Ex. 6 - Personal Privacy

Best,  
Ronna

Ronna McDaniel, RNC Chairman



---

RNC CHAIRWOMAN RONNA MCDANIEL

AND

NATIONAL FINANCE CHAIRMAN STEVE WYNN

ALONG WITH

DOUG DEASON  
JUDITH GOODSON  
HAROLD HAMM

GAYLORD T. HUGHEY, JR.  
KIT MONCRIEF  
DENNIS E. NIXON

CORDIALLY INVITE YOU TO AN EVENING WITH

DONALD J. TRUMP

PRESIDENT OF THE UNITED STATES

WEDNESDAY, OCTOBER 25, 2017

DALLAS, TEXAS

DETAILS AVAILABLE UPON RSVP\*

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ROUNDTABLE - \$100,000 PER PERSON  
PHOTO OPPORTUNITY - \$35,000 PER PERSON  
DINNER RECEPTION - \$2,700 PER PERSON

KINDLY RSVP TO [TXEVENTS@GOP.COM](mailto:TXEVENTS@GOP.COM) OR 202-863-8611

\*SPACE IS LIMITED. RSVPs WILL BE ACCOMMODATED ON A FIRST COME, FIRST SERVED BASIS.

Paid for by Trump Victory, a joint fundraising committee authorized by and composed of Donald J. Trump for President, Inc., and the Republican National Committee.

# CONTRIBUTOR FORM

AN EVENING WITH PRESIDENT DONALD J. TRUMP  
DALLAS, TX - OCTOBER 25, 2017



- ☐ \$100,000 per person – Roundtable, Photo Opportunity, and Dinner Reception
- ☐ \$35,000 per person – Photo Opportunity and Dinner Reception
- ☐ \_\_\_\_\_ tickets at \$2,700 per person – Dinner Reception
- ☐ Other \$ \_\_\_\_\_

## CONTRIBUTOR INFORMATION

Prefix	First Name	
Last Name	Preferred Name	
Employer (Required)	Occupation (Required)	
Address		
City	State	Zip
Cell Phone	Work Phone	Home Phone
Email		
Signature		

## JOINT CONTRIBUTOR INFORMATION (If applicable)

Joint contributions require the signatures of both contributors.

Prefix	First Name	
Last Name	Preferred Name	
Employer (Required)	Occupation (Required)	
Cell Phone	Work Phone	Home Phone
Email		
Joint Contributor Signature		

## PAYMENT INFORMATION

<input type="checkbox"/> Pay by personal check. Please make personal checks payable to Trump Victory.	
<input type="checkbox"/> Pay by personal credit card (check one). <input type="checkbox"/> Visa <input type="checkbox"/> MasterCard <input type="checkbox"/> American Express <input type="checkbox"/> Discover	
<input type="checkbox"/> Pay by Wire Transfer. Receiving bank: Chain Bridge Bank, N.A., McLean, VA Routing/Transit Number: 056009479 / Beneficiary's account number: 2100128400 For credit to (or Beneficiary): Trump Victory - Revenue	
Name on personal credit card	
Card Number	Contribution Amount: \$
Expiration Date	Security Code
Signature	

## TRACKING & RETURN INFORMATION

Fundraiser ID (if applicable)	Event Code (if applicable) E17TX001
Please send completed contribution forms to Trump Victory: 310 First Street, SE; Washington, DC 20003	

Paid for by Trump Victory, a joint fundraising committee authorized by and composed of Donald J. Trump for President, Inc., and the Republican National Committee.



# TRUMP PENCE

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## VICTORY

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Contributions to Trump Victory ("TV") are not tax deductible and will be used in connection with federal elections. Federal law requires us to use best-efforts to collect and report contributors' names, mailing addresses, occupations, and employers. TV is a joint fundraising committee composed of Donald J. Trump for President, Inc. ("DJTP") and the Republican National Committee ("RNC").

Contributions from individuals (multicandidate PACs in parentheses) shall be allocated sequentially according to the following formula: \$2,700 (\$5,000) to DJTP primary account; \$2,700 (\$5,000) to DJTP general account; \$33,900 (\$15,000) to RNC's operating account; \$101,700 (\$45,000) to RNC's headquarter's account; \$101,700 (\$45,000) to RNC's convention account; \$101,700 (\$45,000) to RNC's legal proceedings account.

Notwithstanding this allocation formula, a contributor may designate a contribution for a specific participant or participants. In addition, the allocation formula may change if any contribution would exceed applicable contribution limits.

Paid for by Trump Victory, a joint fundraising committee authorized by and composed of Donald J. Trump for President, Inc., and the Republican National Committee.



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON D.C., 20460

**GROUND RULES FOR PARTICIPATION IN A  
POLITICAL EVENT**

Your organization has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your event. EPA Ethics has determined that your organization and/or the event is partisan in nature. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. He cannot use his official authority to further political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval to allow our employee to speak at your event.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you distribute them so that our counsel can ensure compliance with federal rules.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, you will include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

## HOW TO REVIEW POLITICAL INVITATIONS IN ACCORDANCE WITH THE HATCH ACT

The Hatch Act, 5 USC §§ 7321-7326, regulates the political activities of federal employees in the Executive Branch of the Federal government. “Political activity” is defined as an activity directed toward the success or failure of a political party, candidate for partisan political office, or partisan political group. Under the Hatch Act, most employees cannot participate in partisan political activity while on government time and in government facilities. However, this rule is different for PAS employees. This guidance will help you to know what the PAS employees *can* and *cannot* do.

### Who is a PAS employee?

EPA has 14 PAS positions that are **Presidential Appointees** confirmed by the Senate. They are the Administrator, the Deputy Administrator, the General Counsel, the Inspector General, the Chief Financial Officer, and the nine Assistant Administrators.

### What are all employees prohibited from doing under the Hatch Act?

There are several things that no employee, including PASers, should do:

- (1) Don’t use your official authority or influence to interfere with or affect an election. Don’t use your official title while participating in political activity and don’t use your authority to coerce anyone to participate in political activity. Importantly, you can’t solicit, accept or receive uncompensated volunteer services from any subordinate for any political purpose;
- (2) Don’t fundraise, even in your private capacity. You can’t even let your name be used as the host of fundraiser. You can’t solicit political contributions in a speech or address at a fundraiser, and you can’t let your official title be used in connection with a fundraiser. You also can’t solicit, accept or receive volunteer services from an EPA subordinate;
- (3) Don’t run for partisan public office (without first talking to your ethics official and telling us where you live. There are a few exceptions for certain localities); and
- (4) Don’t solicit or discourage political activity from any person who is doing business with the Agency. This includes any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending in your office. It also includes any person who is the subject of an investigation, audit or enforcement action in your office. For PAS employees, this description can include a lot of people!

### How are PASers special under the Hatch Act?

Unlike most employees, EPA’s fourteen PASers can participate in political activity while on duty, on government premises, in a government vehicle, and while wearing the EPA badge. But only they can do so. The rest of the EPA employees, including Schedule Cs and non-career SESers cannot.

### The “Secret Service” exception

In limited cases, the Hatch Act nevertheless allows staff to assist the PAS consistent with their official duty. For example, a security detail may accompany the Administrator, even to a political event, so long as he is providing security and not himself participating in the political activity. Similarly, an administrative assistant may prepare the travel and itinerary associated with a political trip even if the Administrator is engaged in political activity or a mix of official and political activity.

But this exception should not be broadened to include speech writing or any “extra” voluntary service!

### What happens if an EPA PAS is invited to a political event?

1) The Scheduling Staff for the PAS should **examine the invitation** to determine who issued the invitation to the PAS employee and whether it is indeed for a political event.

- Clues: is the invitation from a campaign committee to elect someone? Is the event called a “rally” or a “fundraiser” or does it use words like “get out the vote?”

2) The Scheduling Staff should **send a copy of the invitation to OGC-Ethics** for review and confirmation as to whether it is indeed a political event.

3) If the event is political, then the Scheduling Staff must do the following:

\$ send the requestor the EPA’s “ground rules” about political events

\$ ask questions about the event:

- who is the host of the event?
- are there any co-sponsors?
- where will the event be held?
- who are the anticipated invitees to the event?
- how many people are expected to attend?
- what is the anticipated role of the EPA PAS at the event?

\$ identify a contact person on the Scheduling Staff to work with OGC

\$ identify a contact person on the requestor’s staff to talk to OGC

\$ do not confirm attendance until the event is cleared, in writing (by email), by OGC

NOTE: An employee with Agency-wide responsibility may address a large, diverse group to seek support for a partisan political candidate so long as the group has not been specifically targeted as having matters before the employing office. 5 CFR 734.305.

- An example of a permitted activity: the Administrator may speak on behalf of a partisan candidate at a forum sponsored by the League of Women Voters that is expected to have more than 100 people attend. However, he cannot use his official title and cannot solicit funds for the candidate in his speech. He also should not say that the candidate is endorsed by the US EPA.

- An example of a prohibited activity: the Administrator will not be permitted to speak at an event that is sponsored by an environmental law firm for its clients to be held in the law firm's offices.
- OGC will examine closely where the event is to be held and the sponsors and hosts. Scrutiny will be applied to certain entities, including lobbying organizations, law firms, for-profit and not-for-profit entities that have an environmental focus, and trade associations.

4) If the event is cleared, then the Scheduling Staff can confirm attendance, subject to the EPA's ground rules. The Scheduling Staff should now:

- \$ obtain a list of all of the invitees and send that list to OGC
- \$ obtain copies of all of the invitations and send to OGC for review of the format
- \$ talk to the PAS travel coordinator and OGC about payment for any political travel
- \$ reaffirm to the PAS that s/he cannot accept any volunteer services, including speeches
- \$ provide the PAS with the EPA's ground rules as part of her/his briefing package



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
WASHINGTON D.C., 20460

**GROUND RULES FOR PARTICIPATION IN A POLITICAL EVENT**

Your organization has invited a Presidentially-Appointed and Senate-confirmed appointee of the U.S. Environmental Protection Agency to speak at your event. EPA Ethics has determined that your organization and/or the event is partisan in nature. The Hatch Act, 5 U.S.C. §§ 7321-7326, sets forth certain restrictions that this employee must follow. He cannot use his official authority to further political activity; cannot solicit, accept or receive political contributions; and cannot solicit or discourage the political participation of anyone who has business pending before the Agency.

We ask that you review our ground rules carefully and ensure that they are followed. Failure to follow these rules may result in withdrawal of any approval to allow our employee to speak at your event.

- You must provide EPA with a copy of the invitation and any other public communications regarding the event before you distribute them so that our counsel can ensure compliance with federal rules.
- Once EPA agrees to the final version of the invitation or other public communications, you cannot make any subsequent changes to the text or format nor change the title of the electronic files.
- You must provide EPA with a complete description of the event, the proposed venue, any sponsors or affiliated entities, and a summary description of proposed invitees.
- You may not specifically target invitees with interests before the Agency. If EPA agrees to provide a speaker, you will provide a list of all invitees to EPA and their contact information at least 48 hours in advance of the event.
- When you issue your invitations, you will include this statement as part of the distribution:

PLEASE NOTE: The federal Hatch Act prohibits this speaker from soliciting or discouraging the political participation of any person who has an application for any compensation grant, contract, ruling, license, permit, or certificate pending before US EPA. If you or your company has any business pending before any part of EPA, we ask that you not attend this event.

Any questions regarding these rules should be directed to Justina Fugh, Senior Counsel for Ethics, at [fugh.justina@epa.gov](mailto:fugh.justina@epa.gov) or 202 564 1786.

**To:** Hope, Brian[Hope.Brian@epa.gov]  
**Cc:** Keith, Jennie[Keith.Jennie@epa.gov]  
**From:** Fugh, Justina  
**Sent:** Wed 4/5/2017 9:56:47 PM  
**Subject:** FW: upcoming invitation  
[P45 Executive Order.pdf](#)  
[20170315144921.pdf](#)  
[NWSA.JPG](#)

Hi Brian,

# Ex. 5 - Deliberative Process

## Ex. 5 - Deliberative Process

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

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**From:** Fugh, Justina  
**Sent:** Thursday, March 16, 2017 1:59 PM  
**To:** Hupp, Sydney <hupp.sydney@epa.gov>; Hupp, Millan <hupp.millan@epa.gov>  
**Cc:** Jennie Keith <Keith.Jennie@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>  
**Subject:** upcoming invitation

Hi there,

It was a pleasure meeting both of you earlier today! In addition to introducing you both to your federal ethics obligations, we discussed the fact that political appointees like the Administrator are subject to Executive Order 13,770 that prohibits them from accepting any gift from a federally registered lobbyist. While there are a few exceptions, he still can't accept an award from a lobbyist. I've attached the executive order here in case you want to see it.

We talked about the attached invitation from the National Stripper Well Association (NSWA) for next week. They have invited the Administrator to attend their annual gala/meeting and want to present an award (the Industry Leader Award) to him. Unfortunately, the NSWA is a federally registered lobbyist, so the Administrator is prohibited by Section 5 of the ethics pledge he signed (pursuant to the Executive Order) from accepting this award. Since the event is next week, telling them now may be upsetting, so let me know if there is something OGC/Ethics can do to help ease the pain. Maybe if the presentation item is just a "thing" with no other intrinsic value (like a certificate or a plaque, but not an ashtray or coffee table book), we can allow him to at least bring it back to us. What's tricky there is that he can't, under the pledge, accept the honor from the lobbyist, but he could accept the 'presentation item' since it has no value. It may be that the better course of action is to tell the NSWA up front now that he can't accept the Industry Leader Award.

What he can do is to give a speech at their event and, because he is speaking, he can accept free attendance on the day that he is speaking, including attending the happy hour and energy gala that is available to all attendees, any meals that are offered to all attendees, and any materials or swag that is offered to all attendees. See 5 CFR 2635.203(b)(8) of the recently effective new gift rules. Under this exclusion, Millan may also attend the event and eat the meals because she is staffing the Administrator who is speaking at the event. The protective detail may also attend, but I hear that they don't



usually eat meals because, well, they're supposed to be protecting him.

I noticed that there is a board of directors meeting on 3/23, so if he is invited to attend that, we need to figure out if there will be any gift associated with his attendance. It doesn't look like there will be a meal, though, so if he's invited to attend the board of directors meeting at 4 pm, then it appears to me that he can do that. But if they give him a gift of some sort, then he may not be able to accept it because NSWA is a federally registered lobbyist. I can't apply the exclusion that allows the Administrator to go to the evening reception and gala because the board meeting is not available to all participants of the conference.

I'm copying Gail Davis on this note so that she knows not to include the dinner on 3/23 in the Administrator's travel voucher (since he's getting it as a gift) and also copying Jennie Keith of my group because she is the person who will be reviewing the bulk of the invitations. When she returns to the office next week (she's been on vacation), she'll be sure to come by to meet you both.

Best,  
Justina

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